

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 7 NUMBER 175

Washington, Friday, September 4, 1912

The President

EXECUTIVE ORDER 9235

PROVIDING FOR THE EFFECTIVE UTILIZATION OF SUPPLIES AND EQUIPMENT BY GOVERNMENT AGENCIES

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 (Public Law 354—77th Cong.), by Title II of the Budget and Accounting Act, 1921 (42 Stat. 20), and as President of the United States, and for the purpose of providing such general direction and control over the use of supplies and equipment in the Executive branch of the Government as will insure the most economical and effective utilization thereof, it is hereby ordered as follows:

1. As used in this order:

(a) *Government agency* means any executive department, independent establishment, agency, commission, board, bureau, division, administration, service, or office of the Executive branch of the Federal Government, including any independent regulatory commission or board and any Government-owned or Government-controlled corporation.

(b) *Supplies and equipment* means any and all supplies, equipment, machines, commodities, accessories, parts, assemblies, or products of any kind in the possession of any Government agency, whether new or used, in use or in storage: *Provided*, that supplies and equipment which the Director of the Bureau of the Budget determines to be within the following categories shall not be subject to this order: (1) tactical supplies and equipment of the War Department, the Navy Department, or the United States Maritime Commission, (2) food and clothing, (3) construction materials acquired for the maintenance or construction of housing, electric power works or facilities, roads, reservoirs, or other physical improvements, (4) supplies and equipment acquired by any Government agency for transfer or export to any foreign government, and (5) supplies and equipment acquired from foreign or do-

mestic sources for stock piling in connection with the war.

2. The Director of the Bureau of the Budget, acting through such assistants as he may designate, shall:

(a) Survey supplies and equipment in possession of Government agencies and the utilization thereof. For this purpose he may require the Government agencies to submit reports and estimates in such form and at such times as he may find necessary: *Provided*, that in making such surveys he shall utilize, subject to the approval of the Secretary of the Treasury, the services and facilities of the Procurement Division of the Treasury Department:

(b) Develop and promulgate such qualitative and quantitative standards with respect to supplies and equipment used by Government agencies as he may deem necessary to effectuate the purposes of this order;

(c) Require, when, in his opinion, such action is necessary or expedient, the transfer from one Government agency to another, for permanent or temporary use, of such supplies and equipment as he may determine to be surplus to the needs of one agency and essential to the needs of another agency;

(d) Consult with and seek the advice of the War Production Board in connection with the administration of paragraphs (a), (b), and (c) above;

(e) Issue such regulations and directives as may be necessary to effectuate this order.

3. The Procurement Division of the Treasury Department shall undertake such warehousing, rehabilitation, and physical distribution of supplies and equipment for Government agencies, and, in connection therewith, shall take over such Government warehouses, appurtenant facilities, and personnel used or employed by other Government agencies in the performance of these functions, together with such funds heretofore or hereafter provided therefor, as the Director of the Bureau of the Budget may approve.

(Continued on next page)

CONTENTS

THE PRESIDENT

EXECUTIVE ORDERS:	Page
Supplies and equipment, provision for effective utilization by Government agencies	6937
Transfer of survey ship Pathfinder to Navy Department and transfer of personnel among Coast and Geodetic Survey and War and Navy Departments	6938

REGULATIONS AND NOTICES

BITUMINOUS COAL DIVISION:	
Albuquerque and Cerrillos Coal Co., cease and desist order	7016
Belleville Fuels, Inc., permission to amend contracts	7016
Galbraith, Claude, & Son Coal Co., revocation of code membership, etc.	7017
Hearings, etc.:	
District Board 17	7015
Sneed, Thos., Coal Co.	7017
DEFENSE SUPPLIES CORPORATION:	
Petroleum for Eastern U. S., compensatory adjustments	6933
FEDERAL POWER COMMISSION:	
Hearings, etc.:	
Georgia Power Co.	7019
United Fuel Gas Co.	7019
FOOD AND DRUG ADMINISTRATION:	
Canned fruit cocktail, etc., hearing	7020
HOME OWNERS' LOAN CORPORATION:	
Loan service; insurance losses	6939
Reconditioning; insurance loss restoration	6932
INDIAN AFFAIRS OFFICE:	
Welfare agencies, contracts for services	6992
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, etc.:	
Blades, Harry A.	7012
Campbell Soup Co.	7013
Finnaren & Healey, Inc.	7023
Food Concentrates, Inc.	7012
Gwaltney, P. D., Jr. and Co., Inc.	7022

(Continued on next page)



Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	
Adjustments, etc.—Continued.	Page
Harrell, Joel E. and Son.....	7022
Lamar Colliery Co.....	7023
Mead, C. H., Coal Co.....	7021
Michigan, truck rentals by counties.....	7008
Oravetz, George, and Son, Inc.....	7008
Smithfield Packing Co.....	7022
Sumet Corp.....	7021
Application for adjustment forms prescribed:	
Commodities (Sup. Order 15).....	6997
Services (Sup. Order 16).....	6998
Commodities and services, General Maximum Price Regulation:	
Chocolate covered cherries (Sup. Reg. 14, Am. 17).....	7012
Electrotype plates, obsolete (Sup. Reg. 1, Am. 24).....	7011
Holiday candy (Sup. Reg. 14, Am. 16).....	7011
Construction and road maintenance equipment rental prices (MPR 134, Am. 2).....	7001
Iron and steel foundry products; high alloy castings (MPR 214).....	7001
Logs, West Coast (MPR 161, Am. 2).....	7008
Lumber, Appalachian hardwood (MPR 146, Am. 5).....	6998
Machines, parts, and services (MPR 136, Am. 15).....	7010
Outer wear garments, women's, girls' and children's (MPR 153, Am. 2).....	7010

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.		Page
Solvents:		
Acetone (MPR 36, Am. 1).....		7001
Alcohol, butyl, etc. (MPR 37, Am. 1).....		7001
OFFICE OF CIVILIAN DEFENSE:		
Automobile stickers and plates, use, etc.....		7013
PUBLIC CONTRACTS DIVISION:		
Exceptions from provisions of Walsh-Healy Act:		
Cotton textiles spinning and weaving, employment of minors.....		7019
Purchase of certain export commodities.....		7013
Rainwear industry, minimum wage rates.....		7019
RECLAMATION BUREAU:		
Central Valley Project, Calif., land withdrawal.....		7017
SECURITIES AND EXCHANGE COMMISSION:		
Northern States Power Co., et al., hearing.....		7023
Potomac Electric Power Co., application granted.....		7024
SUGAR AGENCY:		
Virgin Islands, sugarcane farming practices:		
1942.....	6989	
1943.....	6989	
WAGE AND HOUR DIVISION:		
Learner employment certificates, various industries.....		7018
Printing and publishing, etc., industry, appointment of committee.....		7018
WAR COMMUNICATIONS BOARD:		
International radiotelephone communications, termination of certain services.....		7013
WAR DEPARTMENT:		
Aircraft passengers, authorization.....		6989
WAR PRODUCTION BOARD:		
Clothing, men's work (L-181, Am. 1).....		6996
Glycerine (M-58, Am. 1).....		6995
Incendiary units (L-115, Am. 1).....		6996
Iron and steel (M-21-f, revocation).....		6995
Passenger carriers (L-101, Am. 1).....		6996
Petroleum material; Hugoton field (M-68-6).....		6996
Resins, natural (M-56, Am. 1).....		6995
Silica gel (M-219).....		6997
WAR SHIPPING ADMINISTRATION:		
Contracts with vessel owners; exception of certain vessels from:		
Application of certain rates.....	7014	
Certain insurance valuations.....	7015	

4. This order shall become effective October 16, 1942, and shall continue in force and effect so long as Title I of the First War Powers Act, 1941, remains in force.

5. This order shall be published in the FEDERAL REGISTER.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
August 31, 1942.

[F. R. Doc. 42-8645; Filed, September 2, 1942; 2:19 p. m.]

EXECUTIVE ORDER 9236

TRANSFER OF THE SURVEY SHIP PATHFINDER TO THE NAVY DEPARTMENT AND TRANSFER OF CERTAIN PERSONNEL AMONG THE COAST AND GEODETIC SURVEY AND THE WAR AND NAVY DEPARTMENTS

By virtue of the authority vested in me by section 16 of the act of May 22, 1917, 40 Stat. 87 (U. S. C., title 33, sec. 855), and as President of the United States, and in view of the existing national emergency, it is hereby ordered as follows:

1. The survey ship PATHFINDER shall be transferred, upon completion of construction, from the Coast and Geodetic Survey to the service and jurisdiction of the Navy Department.

2. The following-named commissioned officers are hereby transferred from the Coast and Geodetic Survey to the service and jurisdiction of the War Department:

Lieut. Comdr. Glendon E. Boothe
Lieut. Comdr. Earle A. Dely
Lieut. Ector B. Latham
Lieut. Harry F. Garber.
Lieut. Dorland H. Konickchek

3. The above-named officers shall, while under the jurisdiction of the War Department, serve under their commissions in the Coast and Geodetic Survey, and while so serving shall constitute a part of the active military forces of the United States and shall be under direct orders of the War Department and subject to the laws, regulations, and orders for the government of the Army so far as they may be applicable.

4. The above-named vessel and officers shall be returned to the Coast and Geodetic Survey when the present national emergency ceases to exist.

5. The following-named officers, transferred from the Coast and Geodetic Survey to the Navy Department by Executive Order No. 9187 of June 30, 1942,¹ are hereby returned to the service and jurisdiction of the Coast and Geodetic Survey:

Captain Paul C. Whitney
Captain Frederick B. T. Siems
Lieut. Comdr. Edgar H. Bernstein

6. Lieutenant Edwin C. Baum, who was transferred by Executive Order No. 9113 of March 28, 1942,² to the service and jurisdiction of the Navy Department, is hereby returned to the service and jurisdiction of the Coast and Geodetic Survey.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
September 3, 1942.

[F. R. Doc. 42-8717; Filed, September 3, 1942; 11:51 a. m.]

¹ 7 F. R. 5035.

² 7 F. R. 2495.

Regulations

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

VIRGIN ISLANDS; SUGARCANE FARMING PRACTICES, 1942

Determination of farming practices to be carried out in connection with the production of sugarcane of the 1942 crop year in the Virgin Islands, pursuant to the Sugar Act of 1937, as amended.

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.55 *Farming practices to be carried out in connection with the production of sugarcane of the 1942 crop year.* The farming practices actually carried out in connection with the production of sugarcane of the 1942 crop year on farms in the Virgin Islands shall be deemed to meet the requirements of section 301 (e) of the Sugar Act of 1937, as amended. (Section 301, 50 Stat. 910; 7 U.S.C. 1940 ed. 1131)

Done at Washington, D. C., this 2nd day of September, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-8669; Filed, September 3, 1942; 11:07 a. m.]

PART 802—SUGAR DETERMINATIONS

VIRGIN ISLANDS; SUGAR CANE FARMING PRACTICES, 1943

Determination of farming practices to be carried out in connection with the production of sugarcane of the 1943 crop year in the Virgin Islands, pursuant to the Sugar Act of 1937, as amended.

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.55a *Farming practices to be carried out in connection with the production of sugarcane of the 1943 crop year.* The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to any farm in the Virgin Islands if soil-conserving food crops for human consumption are grown during the period August 1, 1942, to January 31, 1943, on the type of land and in the manner set forth below:

(a) The land to be used for the production of the crops in question shall be land suitable for the production of sugarcane, and the acreage so used shall be equal to not less than 7% of the land on the farm on which sugarcane is growing at July 31, 1942 (but in no event less than one-tenth of an acre): *Provided, however, That (1) not less than 80% of such acreage shall be planted to the types of*

leguminous food crops required under § 702.301 (e) (1) of the 1942 Agricultural Conservation Program Bulletin for the Insular Region and the balance planted to any other food crops therein specified,

(2) the plants or vines of such food crops shall not be removed from the land on which grown, and (3) where row crops are to be grown on land of more than 6% average slope, the planting and cultivating shall be carried out along lines deviating not more than 2% from contour lines.

(b) The land devoted to the crops in question shall be suitably prepared by plowing or disking, adequately seeded, and cultivated in a workmanlike manner to assure a good stand at the time of maturity. (Section 301, 50 Stat. 910; 7 U.S.C. 1940 ed. 1131)

Done at Washington, D. C., this 2d day of September 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-8668; Filed, September 3, 1942; 11:07 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter II—Aircraft

PART 21—USE OF ARMY AIRCRAFT

PASSENGERS IN ARMY AIRCRAFT

Sections 21.3¹ and 21.4² are hereby amended to read as follows:

§ 21.3 *Passengers in aircraft; authorization.* (a) Commanding officers of Army Air Forces stations or higher authority in the chain of command are authorized to permit personnel of the following categories to ride as passengers in Army aircraft under their control in the following circumstances:

(1) On flights which may extend beyond the local flying area.

(i) Military personnel of the Army of the United States, Navy, Marine Corps, Coast Guard, and personnel of the Army Specialist Corps and the Women's Army Auxiliary Corps.

(ii) Military and civilian personnel of foreign nations in cases involving war activities, including projects carried out under the Lend-Lease Act (55 Stat. 31).

(iii) Employees of government contractors and technical agencies acting as technical advisers to military authorities in cases involving war activities and where other means of appropriate transportation are not available.

(iv) Civilians whose flight in Army aircraft will facilitate the execution of Army Air Forces activities.

(v) Students, foreign or otherwise, undergoing instruction with or under supervision of the Army Air Forces, when such flights are a part of the authorized course of instruction.

(vi) Red Cross personnel when serving with the armed forces of the United

States in the field both within and without the territorial jurisdiction of the United States.

(vii) Any person, in case of an emergency involving catastrophe or possible loss of life, when other means of transportation is not available. Full and complete report will be submitted by station commanders to the Commanding General, Army Air Forces, immediately upon completion of such flights.

(2) On flights which will not extend beyond the local flying area:

(i) Wives, mothers, and children of military personnel of the United States who hold aeronautical ratings and who are required in the performance of their duties to participate in regular and frequent flights. Such children must be 10 years of age or over and have the permission of a parent. These flights must not exceed two in number for any person during any calendar year.

(ii) Civilians participating in flight tests prescribed by the Army Air Forces.

(3) On flights within the continental limits of the United States and its territorial possessions upon application to and approval of the Commanding General, Army Air Forces:

(i) The Vice President or President pro tempore of the Senate, the Speaker of the House of Representatives, members of the Cabinet, Government officials, and civilian employees of the War Department and other governmental agencies in cases involving war activities.

(ii) Members of the Senate and House Military or Naval Affairs Committees, members of the Senate and House Subcommittees on Military or Naval Appropriations, the chairman of the Senate or House Committee on Appropriations and members of their Subcommittees on Deficiency Appropriations, on flights on official business in connection with the War Department.

(iii) Representatives of the pictorial and news disseminating agencies on flights which will benefit the War Department.

(4) All expenses incident to transporting the personnel of other departments or agencies, except committees of Congress, will be charged to the department or agency concerned. The transfer of funds will be arranged by the Commanding General, Army Air Forces.

(b) The commanding general of any theater, or any department, base command, defense command, or task force outside the continental limits of the United States may authorize any person to ride as a passenger in Army aircraft under his control when, in the opinion of such commanding general, this action is necessary or desirable in the Government interest. This authority may be delegated by commanders mentioned above to subordinate commanders. All persons so authorized except those in the Federal military or naval service will be required to sign the release specified in § 21.4 (b).

(c) The following passengers may be carried in Army aircraft under the conditions set out below:

(1) The High Commissioner to the Philippine Commonwealth, within the territorial limits of the Philippine De-

¹ 6 F.R. 5482, 6102; 7 F.R. 376, 2720, 4318.

² 7 F.R. 376.

partment, upon request to and approval of the Commanding General, Philippine Department.

(2) United States ambassadors and ministers, or in their absence, chargés d'affaires, within the territorial limits of the country to which each is accredited. The ambassador or minister may designate a member of his staff to fly as a passenger with the military attaché in the conduct of urgent Government business, as his representative, when the ambassador or minister is unable to conduct this business personally, upon request to and approval of the military attaché concerned.

(3) Army Air Forces members of the United States military missions in Latin America are authorized to carry as passengers, on local flights within the jurisdiction of the mission, distinguished nationals of the country in which they are stationed, on the approval of the United States ambassador or minister, and at the discretion of the chief of the mission, members of the armed forces of the country in which they are stationed and students who are under their instruction. (R. S. 161; 5 U. S. C. 22) [Par. 1, AR 95-90, July 24, 1942]

§ 21.4 Release from claim for injury or death. (a) Civilians specified in § 21.3 (a) (1) (ii) (iii) and (iv) and persons specified in § 21.3 (a) (2), (3) (iii), (b), and (c) (3) will be required to sign the release form specified in (b) below, unless under the provisions of these regulations they are exempted from signing the form. Persons specified in § 21.3 (a) (1) (vii) will, when practicable, be required to sign the release form specified in paragraph (b) of this section, unless under the provisions of these regulations they are exempted from signing the form.

(b) The release required by paragraph (a) of this section will be prepared locally in the following form:

RELEASE

(Place)

(Date)

Know all men by these presents: Whereas I, _____ am about to

(Full name)
take a flight or flights as a passenger in certain Army aircraft on _____;

(Date or Dates)

and whereas I am doing so entirely upon my own initiative, risk, and responsibility; now, therefore, in consideration of the permission extended to me by the United States through its officers and agents to take said flight or flights, I do hereby, for myself, my heirs, executors, and administrators, remise, release, and forever discharge the Government of the United States and all of its officers and agents, acting officially or otherwise, from any and all claims, demands, actions or causes of action, on account of my death or on account of any injury to me which may occur by reasons of the said flight or flights.

The term "flight or flights" as used herein is understood and agreed to include the preparation for, continuation, and completion of flight or flights whether or not one or more than one aircraft is used throughout the entire flight or flights, as well as all ground and flight operations incident thereto. It is further understood and agreed that this re-

lease, among other things, extends to and includes negligence, faulty pilotage, and structural failure of the aircraft thereof.

The execution hereof does not operate to waive any statutory right conferred by act of Congress.

(Witness)

(Witness)

(Witness)

(Name of person to be notified in emergency)

(Address of person to be notified in emergency)

(c) Signed release card will be retained in the permanent files of station or organization from which the flight originated. (R. S. 161; 5 U. S. C. 22) [Par. 5, AR 95-90, July 24, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-8648; Filed, September 2, 1942; 2:33 p. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 102]

PART 402—LOAN SERVICE DIVISION

INSURANCE LOSSES

Amending Part 402, Chapter IV, Title 24 of the Code of Federal Regulations. Sections 402.25-20 to and including 402.25-33 are amended to read as follows:

§ 402.25-20 *Definition of terms "loss" and "amount of loss."* The terms "loss" and "amount of loss" as used in this chapter for the purpose of establishing procedure or otherwise, shall be deemed to mean the amount paid by the insurance company or companies for the damage.

§ 402.25-21 *Proofs of loss.* The Regional Manager, the Assistant Regional Manager in Charge of Loan Service, or a duly appointed deputy, is authorized to sign proofs of loss for the Corporation to insurance companies when home owners will not, or through legal incapacity, cannot execute such proofs of loss; and to execute for the Corporation such other forms as may be required in connection with proofs of loss.

§ 402.25-22 *Emergency loss cases.* It is the obligation of the home owner and a condition of his insurance contract that he take such immediate steps as may be required to protect the property temporarily from further damage from any cause whatsoever after a loss, regardless of the estimated amount of such loss. It is customary practice of the insurance agents or company adjusters to assist the home owner in providing this protection.

In unusual cases, when emergency repairs are necessary and the home owner cannot arrange adequate protection for the property immediately, the Regional Manager, upon request, may give telegraphic or telephonic approval to effect the necessary emergency repairs.

§ 402.25-23 *Loss adjustments—home owner cases.* Representatives of the Corporation shall not confer or negotiate with insurance adjusters or insurance company representatives relative to the adjustment or settlement of losses on home owner properties unless directed to do so by the Regional Manager in cases where negotiations or conferences are necessary for emergency action or to expedite the settlement of cases in controversy. In any case where it is necessary for a representative of the Corporation to participate in adjustments, it is to be definitely understood that the Corporation will in no way waive any right it may have against the insurer.

Private adjusters. When home owners employ adjusters or attorneys to represent them in the adjustments of losses with the insurance company or companies, it must be understood that the fees or charges of such representatives are ordinarily not to be paid from loss proceeds. However, in unusual cases where the loss proceeds exceed all costs in connection with the restoration of the property to a condition satisfactory to the Corporation, such payments may be made in accordance with the provisions of § 402.22 (a) and sections thereunder.

§ 402.25-24 *Losses of \$100 or less—home owner cases.* In cases where the total amount of the loss is \$100 or less, the Corporation will not require notice of the loss, and restoration may be arranged for and carried out by the home owner who may receive the insurance loss draft direct from the insurance carrier. Exceptions are made in those cases wherein the insurer denies liability to the home owner or notice of foreclosure proceedings has been given to the insurance carrier.

Cases where the total amount of the loss is \$100 or less and the Corporation is made the payee or one of the payees in the insurance loss draft, such draft should be referred to the Insurance Clerk who may transmit the draft to the Regional Treasurer for endorsement without recourse and transmittal to the home owners, in accordance with the provisions of § 402.25 (b).

§ 402.25-25 *Losses over \$100—home owner cases.* All loss drafts where the total amount of the loss is over \$100 shall be transmitted immediately to the Insurance Section. The Insurance Clerk shall ascertain from the insurance records whether or not the draft or drafts cover the entire adjustment and transmit such draft or drafts to the Regional Treasurer, indicating whether the same represents full or partial loss settlement. If, however, the Insurance Clerk finds that the records of the Accounting Division show that the indebtedness of the former home owner has been paid to

the Corporation in full, he shall return the loss draft or drafts to the insurance agent or company without endorsement, accompanied by a statement that the indebtedness to the Corporation has been satisfied.

When the loss draft or drafts do not cover the entire adjustment, an appropriate entry shall be made in Block I, Form 115, and all further drafts covering the same adjustment shall be treated in like manner. Upon receipt of the full adjustment, the Insurance Clerk shall complete Block I, Form 115, and forward the form to the Control Supervisor.

Control Supervisor. The Control Supervisor shall review the manner in which the account has been maintained, the extent to which the loan balance has been reduced, the amount of the loss set forth in Block I, Form 115, as compared with the insurable value of the security property, the present status of the account, the Reconditioning Supervisor's reports and recommendation, where required, and complete Block II, Form 115, indicating his recommendation as to one of the following:

(a) That the loss draft or drafts be endorsed without recourse by the Regional Treasurer and forwarded to the home owner with Form 115-D.

(b) That the loss draft or drafts be deposited for credit to the Suspended Credits Account and disbursed upon vouchers prepared by the Loan Service Division.

(c) That the loss draft or drafts be deposited for credit to the Suspended Credits Account and used for the restoration of the property under the supervision of the Reconditioning Section in accordance with the provisions of Part 405 of this Chapter.

(d) That the proceeds of the loss draft or drafts be applied to the loan account.

Recommendations (a) and (b) shall not be made in any case where the amount of the loss is in excess of \$300.

After the Control Supervisor has entered his recommendation, Form 115 shall be referred to the Regional Manager who shall indicate his decision in Block III. When the form is returned to the Control Supervisor, he shall transmit one copy of the form to the Regional Treasurer as direction to him of the disposition to be made of all the loss drafts listed in the form. The Control Supervisor shall indicate the closing of the case in Block V.

§ 402.25-26 Disbursement of loss proceeds by Control Supervisor. In cases where the Regional Manager authorizes the loss draft or drafts to be deposited for credit to the Suspended Credits Account and disbursed upon vouchers prepared by the Loan Service Division, the loss draft or drafts shall be forwarded by the Regional Treasurer to the home owner for endorsement with Form 115-E. When endorsed and returned, the loss draft or drafts shall be forwarded to the Regional Treasurer to be deposited for credit to the Suspended Credits Account.

Upon the receipt by the Corporation of Form 115-E properly completed by the home owner, disbursement may be

made direct to the home owner for the items set forth in such form: *Provided*, That where the home owner lists a creditor whose bill is in excess of \$100 disbursement shall be made direct to such creditor: *And provided further*, That where the Control Supervisor considers from his experience with the account that it would not be advisable to make disbursement direct to the home owner, disbursement may be made direct to the creditors listed on Form 115-E.

Lien waivers. Where disbursement is made direct to the home owner or to a creditor listed on Form 115-E, whose bill is \$100 or less, lien releases or waivers need not be required by the Corporation. Where disbursement is made direct to a creditor listed in Form 115-E whose bill is in excess of \$100, such an appropriate lien release or waiver or other form as may be approved by the Regional Counsel should be procured.

Disbursement procedure. The Control Supervisor shall prepare the necessary voucher or vouchers. Vouchers drawn payable to the home owner need not be forwarded to the home owner for execution of the payee's certificate, but in lieu of such certificate a copy of Form 115-E properly executed by the home owner shall be attached to the voucher. Where lien releases or waivers, or other forms are required, these shall be forwarded with the voucher to the payee for execution and return to the Control Supervisor. When disbursement is completed the lien releases or waivers, where required, shall be forwarded to the Regional Treasurer for filing in the loan file. Form 115-E may also be filed in the loan file.

In the event there should be a balance left over from the loss proceeds after disbursement has been made for restoration, such residue shall be handled in accordance with § 402.22 (a) and sections thereunder.

An inspection report of the property may be obtained when it is deemed necessary by the Control Supervisor.

§ 402.25-27 Restoration referred to Reconditioning Section—home owner cases over \$300. In cases where the amount of the loss is in excess of \$300 and the Regional Manager authorizes the loss proceeds to be used in the restoration of the security property, the Control Supervisor shall so advise the home owner and the case shall be referred to the Reconditioning Supervisor, together with one copy of Form 115.

When the Reconditioning Section has completed its handling of the case, it shall fill in that portion of Block V indicating what expenditures have been made, and return Form 115 to the Control Supervisor. In the event there should be a balance left over from the loss proceeds after disbursement has been made for restoration, then such residue shall be handled in accordance with § 402.22 (a) and sections thereunder.

§ 402.25-30 Subrogation agreements. Where an insurance company claims non-liability to the home owner and also claims subrogation under its contract to

the extent of the payment made to the Corporation as mortgagee, vendor, or trustee, the Regional Manager shall forward to the General Manager a full report of the facts, with an accompanying report on the legal aspects of the case prepared by the Regional Counsel. The General Manager, with the advice of the General Counsel, shall determine the disposition of the case and instruct the Regional Manager accordingly; but no separate subrogation agreement shall be executed on behalf of the Corporation unless required by the specific terms of the insurance contract or unless the General Counsel advises that under the particular circumstances, a special subrogation agreement would be advisable. Where payment of the loss is made by the insurance company subject to its claim of subrogation, the Regional Manager shall so notify the home owner and any other parties liable for the indebtedness, as well as the Supervising Auditor and the Regional Accountant and any other interested Department or Division of the Corporation.

§ 402.25-32 Reinstatement after loss. Reinstatement of insurance is required as follows:

(a) In cases where the loss is partially or entirely covered by direct policies, the home owner shall be requested to furnish reinstatement of that part of the loss covered by direct policies if such part of the loss is in excess of \$200 and the remaining insurance in force is not sufficient to fulfill the requirements of the Corporation.

(b) In cases where the loss is partially or entirely covered by certificates, the insurer under contract will reinstate insurance for that part of the loss covered by certificates up to the amount of the certificates, without order from the Corporation.

Where the home owner has a Tax and Insurance Account and part of the loss is covered by direct policies, and reinstatement is not made of this part because the amount involved is \$200 or less, the Regional Manager, if necessary, may issue a new Form 198 to reflect the change in the amount of insurance required.

Cancellation of reinstatement endorsements. In any case where insurance is reinstated by the insurer under contract without order from the Corporation, if it is found that the circumstances are such that the reinstatement of insurance should not have been made, the reinstatement endorsement should be returned to the insurer under contract for cancellation. Insurance so reinstated should not be in excess of the Corporation's requirements.

(Effective Sept. 1, 1942.)

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by section 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL]

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 42-8644; Filed, September 2, 1942; 1:11 p. m.]

[Bulletin 103]

PART 405—RECONDITIONING

INSURANCE LOSS RESTORATION

Amending Part 405, Chapter IV, Title 24 of the Code of Federal Regulations. Sections 405.01-50 to 405.01-57, inclusive, are amended to read as follows:

§ 405.01-50 *Inspection and reports—home owner cases over \$300.* Where the amount or the estimated amount of the loss as shown on Form 115, or Form 115 marked "Preliminary" is in excess of \$300, the Control Supervisor will refer the case to the Reconditioning Supervisor who, unless he has satisfactory information otherwise available, shall assign the case to a salaried inspector, if available, or to a fee inspector. The inspector shall make a complete and detailed list of necessary repairs to effect restoration on Form R-4D, estimate the cost thereof, obtain a statement as to the home owner's wishes concerning restoration, and return the form to the Reconditioning Supervisor. A copy of Form R-4D may be given to the home owner for adjustment purposes if he so requests, provided that the home owner is informed by the inspector that the furnishing of such copy in no way commits the Corporation to apply the loss proceeds to the restoration of the security property.

§ 405.01-51 *Restoration commenced by home owner prior to inspection.* If the inspection reveals that restoration by the home owner has been commenced without the prior knowledge of the Corporation, Form R-4D shall be prepared in the same manner as though the repairs had not been started and shall include a report of the scope and amount of work which the home owner contemplates and which is specified in any contract then under way. If the work to be done by the home owner appears sufficient to satisfactorily restore the security property, this fact shall be included on Form R-4D.

§ 405.01-52 *Restoration fully completed by home owner prior to inspection.* Where the inspection reveals that restoration has been fully completed without the prior knowledge of the Corporation, the inspector shall prepare Form R-4D, indicating thereon the cost necessary to effect proper restoration, the scope and amount of work which is specified on the contract between the home owner and contractor and in addition prepare and obtain the proper Form R-17A-B-C and the necessary receipts, releases, or waivers as required by the Legal Department. The inspector shall clearly inform the home owner and the contractor that the obtainment by the Corporation of the proper Form R-17A-B-C and the receipts, releases, and waivers required by the Legal Department is not to be understood as in any way committing the Corporation to apply the loss proceeds to the restoration of the security property. The inspector shall certify on Form R-4D whether the total cost of restoration incurred by the home owner

is commensurate with the amount of reconditioning which was performed in restoring the security property and whether the restoration has been satisfactorily completed.

§ 405.01-54 *Application of loss proceeds to restoration.* Upon the receipt of a copy of Form 115 containing the Regional Manager's authorization for the application of the loss proceeds to the restoration of the security property, the Reconditioning Supervisor shall, where restoration has not previously been undertaken or completed by the home owner, approve the award of the contract and conduct of the work, within the amount of insurance funds available, to a contractor of the home owner's choice, acceptable to the Corporation, and otherwise handle the case in accordance with reconditioning procedure. Upon completion of the work and execution of Form R-17C by the home owner, such form together with receipts, releases, and waivers as required by the Legal Department and the inspector's final report and acceptance of the work shall be sent to the Reconditioning Section for preparation of vouchers and other final papers. When the Reconditioning Section has completed the handling of the case, the Reconditioning Supervisor shall indicate in Block V of the Copy of Form 115, the expenditures which have been made and return such copy of Form 115 to the Control Supervisor.

Modification procedure. Modifications of this procedure may be permitted by the Regional Manager when home owners desire to undertake restoration themselves with contractors and contracts of their own choice, provided the Reconditioning Section reviews and approves the specifications and contracts presented by the home owner and provided that such deviation from procedure does not jeopardize the interests of the Corporation.

Intermediate and final inspection. When the home owner utilizes the facilities of the Reconditioning Section, the Reconditioning Supervisor shall make the customary final inspection assignment to a Reconditioning Inspector, providing also for as many intermediate inspections as may be appropriate to the size and scope of the restoration contract.

Partial or complete restoration by home owner prior to Regional Manager's authorization. In cases where there has been partial or complete restoration of the security property by the home owner prior to the authorization by the Regional Manager for the application of the loss proceeds to the restoration of the security property, the Reconditioning Supervisor shall make such additional inspection assignments as he may deem necessary to protect the Corporation's interests and upon the receipt of proper Forms R-17A-B-C executed by the home owner and contractor, such lien waivers or releases as required by the Legal Department, where such forms and waivers or releases have not previously been received, the Reconditioning Supervisor shall cause to be prepared appropriate

vouchers and other final papers. Upon completion of the case the Reconditioning Supervisor shall indicate in Block V of the copy of Form 115 the expenditures that have been made and return such copy of Form 115 to the Control Supervisor.

§ 405.01-55 *Supplementing loss proceeds—escrow account.* If the restoration contract is in an amount in excess of the insurance funds available, the home owner will be required to place an amount equal to the difference between the amount of the restoration contract and the insurance funds available in escrow for disbursement, according to approved procedure.

Advances. An advance may be made to the home owner to supplement insurance loss proceeds for the restoration of the security property; such advances shall be made in accordance with § 405.02 and sections thereunder.

(Effective September 1, 1942.)

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by section 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529.)

[SEAL]

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 42-8643; Filed, September 2, 1942; 1:11 p. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

PART 252—ARRANGEMENT WITH STATES, TERRITORIES OR OTHER AGENCIES FOR RELIEF OF DISTRESS AND SOCIAL WELFARE OF INDIANS

WELFARE SERVICES

- | | |
|-------|--|
| Sec. | |
| 252.1 | Commissioner to negotiate contracts. |
| 252.2 | Contracts, by whom executed. |
| 252.3 | State or other contracting agency furnish plan of operation. |
| 252.4 | Standards of service. |
| 252.5 | Personnel. |
| 252.6 | Financial statement. |
| 252.7 | Cooperative services. |
| 252.8 | Use of government property and facilities. |

AUTHORITY: §§ 252.1 to 252.8, inclusive, issued under sec. 3, 48 Stat. 596, 40 Stat. 1458; 25 U.S.C. 464.

§ 252.1 *Commissioner to negotiate contracts.* The Commissioner of Indian Affairs may negotiate with State, territory, county or other welfare agencies for such agencies to provide welfare services, as contemplated by the Act of June 4, 1936 (49 Stat. 1458); for Indians residing within the particular State.

§ 252.2 *Contracts, by whom executed.* All contracts executed for the purposes of § 252.1 of this part shall be signed on behalf of the United States by the Commissioner of Indian Affairs. The proper officer of the State, territory, county or welfare agency shall execute the contract on its behalf. Evidence of the authority of such officer must accompany the contract. All contracts must be exe-

cuted in quintuplicate. (They shall become effective only after approval by the Secretary of the Interior.)

§ 252.3 *State or other contracting agency furnish plan of operation.* A plan executed by the proper State or other agency entering into the contract shall accompany each instrument. This plan shall describe the services and assistance to be rendered under the terms of the contract. It shall include a budget showing the plan of expenditure of the funds to be turned over to the State or other agency. Upon the approval of the contract, no deviation from the plan shall be made unless approved in advance by the Commissioner of Indian Affairs.

§ 252.4 *Standards of service.* Standard of aid, care, and service rendered to the Indians under the contract shall not be less than those standards maintained by the State for other clients requiring similar aid, care and services.

§ 252.5 *Personnel.* The personnel employed for public welfare services to Indians under the contract shall be subject to the State merit system and to the approval of the Commissioner of Indian Affairs and the welfare authorities of the State, unless otherwise provided in the contract.

§ 252.6 *Financial statement.* Thirty days after the close of each fiscal year, the State or other agency to which funds have been furnished pursuant to the contract shall submit to the Commissioner of Indian Affairs a detailed financial statement showing all expenditures made pursuant to the contract. An explanation shall be contained of any deviation from the plan originally submitted by the agency. The records of the contractor shall be available for inspection by representatives of the Indian Service.

§ 252.7 *Cooperative services.* The Indian Service will maintain cooperative services through its superintendents and other personnel to further the purposes of the contract. When mutually agreed to in the contract, the Indian Service may maintain on its payroll one or more representatives whose duties shall be described in the contract and the salary and expenses of any such person or persons shall constitute part of the funds to be furnished to the State or other contracting agency.

§ 252.8 *Use of Government property and facilities.* The contract shall specify the terms upon which property, other facilities and equipment of the Government may be used by the State or other agency. All contracts which provide for the use of Government automobiles shall require that the particular State or other agency shall be responsible for the return of the equipment in as good condition as when received, excepting usual wear and tear and depreciation and such agency shall be responsible for all damage or injury done to property or persons and shall carry sufficient insurance to cover same and expressly relieve the Government of any and all liability for any

such personal injury or property damages committed while such automobile is in the possession of the contracting agency.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.
AUGUST 6, 1942.

[P. R. Doc. 42-8649; Filed, September 2, 1942;
2:33 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VII—Defense Supplies Corporation

[Regulation No. 1]

PART 701—PETROLEUM COMPENSATORY ADJUSTMENTS

WARTIME INCREASES IN COSTS OF SUPPLYING PETROLEUM AND PETROLEUM PRODUCTS FOR USE IN EASTERN UNITED STATES

Sec.

701.1 Definitions.

701.2 Persons eligible to apply for petroleum compensatory adjustments.

701.3 Filing application for compensation.

701.4 Inspection and payment of claims.

701.5 Extra transportation and compensable product costs.

701.6 Effective date.

AUTHORITY: §§ 701.1 to 701.6 inclusive, issued under sec. 5d of the Reconstruction Finance Corporation Act, as amended, 62 Stat. 212, 54 Stat. 573; 15 U.S.C. 606b; 6 P.R. 2972.

§ 701.1 *Definitions.* When used in this regulation, the following terms shall have the following meanings:

(a) "District One" means the States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

(b) "District Two" means the States of Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin.

(c) "District Three" means the States of Alabama, Arkansas, Louisiana, Mississippi, New Mexico, and Texas.

(d) "Crude" means crude petroleum.

(e) "Compensable products" means all grades of gasoline, kerosene (including range oil and stove oil), distillate fuel oils (including gas oils) and residual fuel oils.

(f) "Aviation gasoline" means aviation gasoline of 91 octane, A. S. T. M. or higher and all hydrocarbon components thereof.

(g) "Import" means to move on or after August 1, 1942, crude or compensable products from any point outside District One to any point in District One.

(h) "Normal method of transportation" means the use of ocean going tankers, either alone or in conjunction with other facilities which would have been used in normal times and in the absence of a tanker shortage in moving crude or

compensable products from a point of origin outside of District One to any refinery, terminal, bulk plant or other place in District One.

(i) "Substitute method of transportation" means the use of tankers, lake steamers, tank cars, barges, pipe lines, trucks, or other facilities, or a combination of any such facilities, in lieu of a normal method of transportation in moving crude or compensable products from a point of origin outside District One to any refinery, terminal, bulk plant or other place in District One, which in normal times and in the absence of a tanker shortage would have been supplied by a normal method of transportation.

(j) "Normal origin," in the case of both crude and compensable products shall be deemed to be aboard tanker at the U. S. Texas Gulf Coast.

(k) "Actual origin," except in the case of purchased crude or of purchased compensable products, means the well producing the crude imported into District One by the substitute method of transportation, or the refinery (which term shall include natural gasoline plants) manufacturing the compensable products imported into District One by the substitute method of transportation and, in the case of the purchase of crude or of compensable products, means the point at which such crude or compensable products are delivered to buyer under the sale. For the purpose of this definition the acquisition of crude or compensable products under an exchange shall not be deemed a purchase.

(l) "Claim" means a claim for extra transportation and compensable product costs computed in accordance with § 701.5.

(m) "Ceiling price" or "ceiling rate" means the maximum price or maximum rate prescribed by the Office of Price Administration or in effect under any regulation, schedule or order issued by the Office of Price Administration.

(n) "Person" means an individual, corporation, partnership, association, or legal successor or representative of any of the foregoing, but shall not include the United States or any of its political subdivisions or any Agency thereof, or any other Government or any of its political subdivisions or any Agency thereof.

§ 701.2 *Persons eligible to apply for petroleum compensatory adjustments.* A person who produces, manufactures, acquires or purchases crude or compensable products in Districts Two or Three and imports the same, by substitute method of transportation, for manufacture or sale within District One, may file an application for a petroleum compensatory adjustment on account of any claim for extra costs covered by this regulation. In addition to the above, any person who, during the twelve months' period ending June 30, 1941, regularly imported compensable products for his own consumption within District One and who imports, by substitute method of transportation, compensable products from Districts Two or Three for his own consumption in Dis-

trict One shall likewise be eligible to file an application for a petroleum compensatory adjustment under this regulation.

§ 701.3 *Filing application for compensation*—(a) *Place of filing.* Applications for petroleum compensatory adjustments shall be filed with Defense Supplies Corporation, 33 Liberty Street, New York, New York, or such other place as may later be designated.

(b) *Time of filing.* Extra transportation costs and extra compensable product costs incurred during any calendar month shall be accumulated until the end of the month and applications for petroleum compensatory adjustments on account of such costs shall be filed on or before the last day of the second calendar month following the month in which such costs were incurred.

(c) *Form of application.* All applications for petroleum compensatory adjustments shall be filed in quadruplicate on forms approved by Defense Supplies Corporation, and all information and supporting documents therein provided for shall be supplied, except that information required need not be restated after such information has once been included in a previous application filed pursuant to this regulation, provided reference is made to such previous application. A separate application shall be filed for claims accruing during each calendar month.

§ 701.4 *Inspection and payment of claims*—(a) *Advance.* As soon as an application is submitted it shall be determined by Defense Supplies Corporation whether it comes within the provisions of this regulation, and whether it appears to have been correctly and accurately prepared. If after such preliminary examination the application or any part thereof is accepted by Defense Supplies Corporation subject to final verification, then Defense Supplies Corporation will advance to the applicant 75% of that part of the claim so accepted.

(b) *Final payment of claims.* Upon receipt of any application it will be referred to accountants who will make such examinations and audits of any books, records and other supporting data as may be necessary to ascertain the facts or as may be required by Defense Supplies Corporation. Upon verification of the claims contained in any application and approval by Defense Supplies Corporation, the corporation will pay to the applicant the amount of the verified claim less any advance previously made thereon. If the verified claim does not equal or exceed the amount of any advance made thereon, the applicant shall, upon demand, return to Defense Supplies Corporation the amount of the deficiency, and no further advances or payments shall be made to such applicant until such deficiency has been returned.

(c) *Petitions for reconsideration or interpretation.* (1) Should any claim be rejected in whole or in part or should any applicant desire an interpretation of this regulation then the applicant may request the Defense Supplies Corporation

to reconsider its action or to issue an interpretation. If the request is in connection with a rejected claim, it must be filed within thirty (30) days after such claim is rejected. Such request shall be addressed to Defense Supplies Corporation, 33 Liberty Street, New York, New York, or such other place as may later be designated and shall state clearly and concisely the question involved and the applicant's views thereon.

(2) Upon the announcement of any decision or interpretation issued hereunder any applicant may within thirty (30) days apply to Defense Supplies Corporation for the right to modify or revise any claims theretofore filed which are affected by such decision or interpretation and which accrued within the period of ninety (90) days immediately preceding the first of the month following date when the decision or interpretation was announced. If Defense Supplies Corporation finds justification for reopening the claim it shall so notify the applicant and the latter may thereupon submit a new application for a petroleum compensatory adjustment which shall be processed in the same manner as though submitted within the required time.

§ 701.5 *Extra transportation and compensable product costs*—(a) *Amount of compensatory adjustment.* (1) Extra transportation and compensable product costs shall be computed on the basis of the crude or compensable products actually moved by the substitute method of transportation. The amount of the claim in case crude or aviation gasoline is imported shall be equal to the excess of (i) the cost of transporting crude or aviation gasoline from the actual origin to the destination in District One by the substitute method of transportation, over (ii) the cost of transporting similar crude or aviation gasoline from the normal origin to the same destination in District One by the facilities which would have been used under the normal method of transportation plus in the case of crude but not in the case of aviation gasoline, the normal weighted average cost of the pipe line movement (including gathering charges) of crude from the various fields normally supplying the Gulf Coast area to the tanker, which average rate will be determined and hereafter announced by Defense Supplies Corporation. The amount of the claim in case compensable products other than aviation gasoline are imported shall be equal to the excess of (a) the value of such compensable products at the actual origin plus the cost of transporting such compensable products from the actual origin to the destination in District One by the substitute method of transportation, over (b) the value of similar compensable products at the normal origin plus the cost of transporting similar compensable products from the normal origin to the same destination in District One by the facilities which would have been used under the normal method of transportation.

(2) Any person submitting an application for petroleum compensatory ad-

justments who is not a participant in the plan for the equitable sharing of revenues and extra transportation expenses adopted and approved March 12, 1942 under Recommendation No. 12, as amended, signed by the Deputy Petroleum Coordinator for War on March 12, 1942 (Title 32—National Defense, Chapter XIII—Office of Petroleum Coordinator for National Defense), shall account for all revenue computed in accordance with the terms of the plan as though such applicant became a participant on August 1, 1942.¹ The revenue to be accounted for by a consumer submitting an application for a petroleum compensatory adjustment shall be computed on the basis of the volume of petroleum products imported into District One in lieu of the actual sales made in District One as provided in said plan. The amount of any such revenue shall be deducted from the amount of any claims for which an application is filed hereunder.

(b) *Method of determining value of compensable products other than aviation gasoline*—(1) *Value at the actual origin.* (i) If purchased by the applicant the value of compensable products at the actual origin shall be the price paid therefor.

(ii) If acquired by the applicant under an exchange the value of compensable products shall be the supplier's prevailing wholesale price² in effect at the point of actual origin for such product on date of acquisition.

(iii) If manufactured by the applicant the value of compensable products shall be the applicant's prevailing wholesale price² in effect at point of actual origin for such product on date of shipment. *Provided,* That the value at the actual origin shall not exceed the lower of the prices determined as follows:

(a) If the actual origin is in District Three, the value of similar compensable products at the normal origin as determined under the provisions of paragraph (b) (2) of this section.

(b) The applicable ceiling price for such compensable products in effect on date of shipment.

(c) The prevailing market price. The applicant shall obtain from the seller and such other sources as are available to him such evidence as he is able to

¹Any person who is not participating in the plan for the equitable sharing of revenues and extra transportation expenses referred to above but who desires to obtain benefit of such plan for the period September 4, 1941 to July 31, 1942, or for the period March 20, 1942 to July 31, 1942 may become a participant in such plan. If any such person is not eligible for participation under the present plan it is understood that an amendment is now under consideration which will permit such participation. A proper accounting for all revenues may thereupon be made under the terms of the plan and claims for all extra transportation expenses accruing prior to August 1, 1942 may be filed under the terms of such plan.

²"Wholesale price" as used above means the lowest price at the actual origin for sales to resellers by the same method of shipment as that involved under the substitute method of transportation.

obtain as to the prevailing market price and shall submit such evidence with his application.

(2) *Value at the normal origin.* (i) The value of compensable products at the normal origin shall be as follows:

Product:

Motor gasoline: Value (cents per gallon)	
80 octane (1939 research method)	6.000
60-62 gravity, maximum 400 end point:	
72-74 octane ASTM, leaded	5.750
68-70 octane ASTM, unleaded	5.750
65-67 octane ASTM, unleaded	5.250
60-64 octane ASTM, unleaded	5.000
Kerosene, 41-43 waterwhite	3.875
Range oil and stove oil	3.875
No. 1 fuel oil	3.875
No. 2 fuel oil	3.750
No. 3 fuel oil	3.750
No. 4 fuel oil	3.750
Gas oils:	
Diesel index, 52 and below	4.125
Diesel index, 53-57	4.250
Diesel index, 58 and above	4.375
(Per barrel)	
No. 5 fuel oil	\$1.05
Navy special fuel oil	1.05
No. 6 fuel oil	.85
Bunker C. fuel oil	.85

(ii) In the case of any compensable product, other than those specified above in this paragraph, applicant shall procure and submit with his application a statement from the Office of Price Administration as to the price which will be considered as the value of the compensable products at the normal origin.

(c) *Method of determining extra transportation costs.* (1) Transportation costs, under both the normal and substitute methods of transportation, shall be computed on the basis of the crude or compensable products actually moved by the substitute method of transportation, and shall be computed to the first actual delivery point in District One which is common to both methods. Except as hereinafter provided only costs computed or incurred in respect of the use of the following facilities may be included in an application for compensatory adjustments for extra transportation costs. The costs for the use of any facilities shall be computed on the bases prescribed below:

Facilities used:	Rate or cost to be used in computation
Pipe line (Gathering or trunk line).	Rate prescribed by or on file with an authorized regulatory body for the movement and material involved, or in the absence of such a rate, then the actual cost of the movement.
Tanker	The maximum voyage charter rate for the material and voyage involved as prescribed by the United States Maritime Commission or the War Shipping Administration.
Tank cars	Freight paid.

No. 175—2

Facilities used—Con.

Barges

Rate or cost to be used in computation

Rates prescribed by or on file with an authorized regulatory body for the voyage and material involved, or in the absence of such a rate, then the actual cost of the movement: *Provided*, That such rate or cost shall not exceed any applicable ceiling rate.

Lake steamers

Rates prescribed by or on file with an authorized regulatory body for the voyage and material involved, or in the absence of such a rate, then the actual cost of the movement: *Provided*, That such rate or cost shall not exceed any applicable ceiling rate.

Trucks and other transportation facilities.

Actual cost of the movement, provided, that such cost shall not exceed any applicable ceiling rate.

If, upon the written request of the Office of Defense Transportation or the Office of Petroleum Coordinator for War specifically directing that in-transit-storage be used in connection with a substitute method of transportation for the purpose of increasing the efficient use of available transportation facilities, a person shall incur in-transit-storage charges which would not have been incurred under a normal method of transportation then the actual cost thereof may be included in an application for compensatory adjustments for extra transportation costs. Loading and unloading costs, terminaling charges, tank car rentals, tank car mileage earnings and storage charges, except in-transit-storage charges referred to above, which may be related to any movement shall be excluded from all computations.

(2) When products are acquired in District One under an exchange, the claim shall be presented in such form as to show all facts concerning the exchange. Thereafter proper method for determining compensation will be prescribed and the prescribed method will be used in determining all future claims in connection with further exchanges under the same arrangement.

§ 701.6 *Effective date.* This Petroleum Compensatory Adjustment Regulation No. 1 shall become effective as of August 1, 1942.

Issued this 31st day of August 1942.

DEFENSE SUPPLIES CORPORATION,
By H. A. MULLIGAN,
President.

[F. R. Doc. 42-8650; Filed, September 2, 1942; 4:18 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

PART 962—IRON AND STEEL

[Revocation of Supplementary Order M-21-f]

Section 962.7 *Supplementary Order M-21-f* is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of September 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8674; Filed, September 3, 1942; 11:21 a. m.]

PART 1033—NATURAL RESINS

[Amendment 1 to Conservation Order M-55, as Amended June 5, 1942]

Paragraph (b) (2) of § 1033.1 *Conservation Order M-55 as amended June 5, 1942* is hereby amended to read as follows:

(2) Road marking paint may be formulated to contain one pound or less of Batu gum, or two pounds or less of Congo Copal gum, or both, per gallon of paint.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of September 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8673; Filed, September 3, 1942; 11:21 a. m.]

PART 1035—GLYCERINE

[Amendment 1 to General Preference Order M-53]

Paragraph (d) of § 1035.1 *General Preference Order M-53* is hereby amended to read as follows:

(d) *Applications and reports.* (1) Each person who seeks delivery in any calendar month of 10,000 lbs. of glycerine or less (but more than 50 lbs. in the aggregate) shall, prior to the 15th day of the month preceding the month in which delivery is sought, submit to his supplier one copy of Form PD-362, with Table II left blank, and shall submit to the War Production Board, one copy of said Form PD-362, completely filled in.

(2) Each person who seeks delivery (from all sources) in any calendar month of more than 10,000 lbs. of gly-

17 F.R. 1062, 3926.

17 F.R. 4232.

17 F.R. 2462.

erine shall, prior to the 15th day of the month preceding the month in which delivery is sought, submit to the War Production Board three copies of said Form PD-362, completely filled in, and shall submit to his supplier one copy of said Form PD-362 with Table II left blank.

(3) Each producer, refiner or distributor who proposes to make delivery in any calendar month to any person seeking delivery in such month (from all sources) of more than 10,000 lbs. of glycerine shall, on or before the 20th day of the month preceding the month in which delivery is sought, file with the War Production Board three copies of Form PD-363, scheduling deliveries to be made during such succeeding month to any such person.

(4) Each producer, refiner or distributor shall, on or before the 15th day of each month, file with the War Production Board Form PD-363A (a single copy) showing among other things his supply of glycerine for the current month and the estimated supply for the succeeding month.

(5) Each person who in any one of the six months ending March 31, 1942, used, consumed or resold more than 50 lbs. of glycerine shall, on or before September 15, 1942, file with the War Production Board Form PD-361 (a single copy).

(6) All refiners, producers and distributors and persons ordering or receiving glycerine from any one or more of them, and such other persons as may be directed by the Director General for Operations shall make such other or further reports and furnish such information, at such times, in such form and with respect to such matters as the Director General for Operations may from time to time prescribe.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of September 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8672; Filed, September 3, 1942;
11:21 a. m.]

PART 1047—PETROLEUM MATERIAL CONSERVATION

[Supplementary Order M-68-8]

HUGOTON FIELD

Whereas, the prosecution of the war requires the immediate use in emergency activities of vast quantities of steel, non-ferrous metals, rubber and other critical materials, and it is imperative to an effective prosecution of the war that the production of petroleum be conducted under circumstances and conditions which will assure a maximum recovery of petroleum and associated hydrocarbons and which will not involve a waste-

ful and inefficient use of the limited quantities of critical materials; and

Whereas, conservation of materials by means of the restrictions hereinafter ordered in the use of such material in the production of petroleum is necessary in order to maintain the production of petroleum for war uses and essential civilian services and to assure a minimum expenditure of scarce equipment; Now, therefore, it is hereby ordered, That:

§ 1047.11 *Supplementary Order M-68-6—(a) Definitions.* The definitions of Conservation Order M-68,¹ as amended from time to time, shall apply in this order.

(b) *Wells drilled in portions of the States of Kansas and Oklahoma.* The provisions of paragraph (c) (8) of Conservation Order M-68, as amended, shall not apply to any case where material is to be used by any person to drill, complete, or provide additions to any well in any discovered or undiscovered natural gas field in the counties of Kearney, Finney, Grant, Haskell, Morton, Stevens or Seward in the State of Kansas, or in Texas County in the State of Oklahoma.

(c) *Violations or false statements.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to any department or agency of the United States in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of September 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8671; Filed, September 3, 1942;
11:22 a. m.]

PART 1168—PASSENGER CARRIERS

[Amendment 1 to General Limitation Order L-101]

Paragraph (b) (3) of § 1168.1 *General Limitation Order L-101*² is hereby amended to read as follows:

(3) "Passenger carrier" means a complete motor or electrical coach for passenger transportation, having a seating capacity of not less than eleven persons, or the body therefor, and includes integral buses, bus bodies for adult or school passenger use, sedan automobiles converted to sedan buses, trolley buses, and electric railway cars. Such definition

¹ 6 F.R. 6687; 7 F.R. 281, 601, 903, 1088, 1089, 3806, 4760.

² 7 F.R. 3808.

shall not include a complete commercial motor vehicle chassis upon which a bus body is to be mounted.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of September 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8677; Filed, September 3, 1942;
11:21 a. m.]

PART 1214—INCENDIARY UNITS

[Amendment 1 to General Limitation Order L-115]

Section 1214.1 *General Limitation Order L-115*¹ is hereby amended in the following respect:

Paragraph (b) thereof is amended by substituting for the words "United States Army or the United States Navy" the following words: "Chemical Warfare Service, United States Army."

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of September 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8676; Filed, September 3, 1942;
11:21 a. m.]

PART 3024—MEN'S WORK CLOTHING

[Amendment 1 to General Limitation Order L-181]

Section 3024.1 *General Limitation Order L-181*¹ is hereby amended as follows:

(1) Paragraph (c) (2) is amended to read as follows:

Pockets or waistbands made from drills, twills or jeans, heavier than 39 inch 4.00 yard, except irregulars, seconds or cuts under 40 yards in length and except as provided in paragraph (b) (3).

(2) Paragraph (d) (3) (iv) is amended to read as follows:

Blanket lining heavier than 16 ounce 54 to 56 inch width of cotton or of cotton and reused wool.

(3) Paragraph (d) (4) (ii) is amended to read as follows:

More than four front buttons, one breast pocket button, three fly buttons and one button on each cuff.

(4) Paragraph (d) (4) (iii) is amended to read as follows:

¹ 7 F.R. 3429.

² 7 F.R. 6208.

More than 17 bartacks exclusive of those needed on belt loops.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 73rd Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of September, 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8675; Filed, September 3, 1942;
11:21 a. m.]

PART 3065—SILICA GEL

[General Preference Order M-219]

§ 3065.1 *General Preference Order M-219*—(a) *Definitions*. For the purposes of this order:

(1) "Silica gel" means any partially dehydrated form of colloidal silicon dioxide, excluding, however, silica gel manufactured specifically for catalytic purposes.

(2) "Producer" means any person engaged in the production of silica gel and includes any person who has such material produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases silica gel for resale.

(4) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armaments, weapons, merchant and naval ships, tanks and vehicles) and any parts, assemblies, and material to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(b) *Restrictions on use and delivery*. (1) On and after October 1, 1942, no person shall deliver, or accept delivery of, any silica gel except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (c) hereof.

(2) Each person accepting delivery of any silica gel pursuant to specific authorization of the Director General for Operations shall use the same only for the purposes specified in such authorization.

(3) Each person affected by this order shall comply with such directions as may be given from time to time by the Director General for Operations, with respect to the use or delivery of any silica gel.

(c) *Applications and reports*. In addition to such other reports as may from time to time be required by the Director General for Operations:

(1) Each person seeking authorization to accept delivery of any silica gel pursuant to paragraph (b) (1) hereof shall apply therefor on Form PD-600. Such applicant shall file with the War Produc-

tion Board the original and two copies of such form on or before the 20th day of the month preceding the month for which authorization for acceptance of delivery is requested and shall file with his supplier one copy of such form on or before the 15th day of such month if the supplier is a producer or on or before the 10th day of such month if the supplier is a distributor, which form shall be prepared in the manner prescribed therein, subject to the following specific instructions:

(i) *Heading*. Specify "silica gel" and order number "M-219" and specify pounds as the unit of measure and in addition to giving the delivery destination, indicate the address to which communications should be sent.

(ii) *Columns 1, 11 and 19*. Specify "fines" or mesh size.

(iii) *Column 3*. Specify "silica gel".

(iv) *Column 4*. In the case of a distributor, specify "resale subject to further authorization." In the case of a consumer, specify:

Packaging implements of war.
Dehumidification of air space in ships.
Dehydration of foods.
Preparation of pharmaceuticals.
Generation of oxygen.
Deleading of gasoline.
Gas mask manufacture.
Preparation of blood plasma.
Refrigeration.
Air conditioning.
Other.

If "other" is specified, describe briefly.

(2) Each producer and distributor seeking authorization to deliver any silica gel shall apply therefor on Form PD-601. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 20th day of the month preceding the month for which authorization to deliver is requested, which form shall be prepared in the manner prescribed therein, subject to the following specific instructions:

(i) *Heading*. Specify "silica gel" and order number "M-219" and specify pounds as the unit of measure and in addition to giving the plant or warehouse address, indicate the address to which communications should be sent.

(ii) *Columns 3 and 8*. Specify "fines" or mesh size.

(d) *Notification of customers*. Producers and distributors of silica gel shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(e) *Miscellaneous provisions*—(1) *Intra-company deliveries*. The prohibitions and restrictions of this order with respect to deliveries of silica gel, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the

same or any other enterprise under common ownership or control.

(2) *Violations*. Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board*. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref.: M-219.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 73rd Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of September 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8676; Filed, September 3, 1942;
11:22 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supplementary Order 15]

FORM FOR CERTAIN APPLICATIONS FOR ADJUSTMENT OF MAXIMUM RETAIL PRICES OF COMMODITIES

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered, That:

§ 1305.19 *Form for certain applications for adjustment of maximum retail prices of commodities*. (a) The following form is hereby prescribed for applications for the adjustment of maximum retail prices of commodities pursuant to § 1499.18 (a) of the General Maximum Price Regulation and every identical provision of any other price regulation: Form OPA-2PR-2.¹

(b) This Supplementary Order No. 15 shall become effective September 15, 1942. (Pub. Law. 421, 77th Cong.)

Issued this 1st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8683; Filed, September 2, 1942;
5:11 p. m.]

¹Filed with the Division of the Federal Register together with this supplementary order No. 15. Copies are obtainable from any Regional, State or District Office of the Office of Price Administration, and from any Local War Price and Rationing Board.

PART 1305—ADMINISTRATION

[Supplementary Order 16]

FORM FOR CERTAIN APPLICATIONS FOR ADJUSTMENT OF MAXIMUM PRICES OF SERVICES

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered that:

§ 1305.20 *Form for applications for adjustment of certain maximum prices of services.* (a) The following form is hereby prescribed for applications for the adjustment of maximum prices of services pursuant to §§ 1499.114 (a) and 1499.114 (b) of Maximum Price Regulation No. 165 and the identical provisions of any other maximum price regulation and pursuant to § 1499.18 (a) of the General Maximum Price Regulation: Form OPA-2PR-3.¹

(b) This Supplementary Order No. 16 shall become effective September 1, 1942. (Pub. Law 421, 77th Cong.)

Issued this 1st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8654; Filed, September 2, 1942;
5:10 p. m.]

PART 1382—HARDWOOD LUMBER

[Amendment 5 to Maximum Price Regulation 146²]

APPALACHIAN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment

¹ Filed with the Division of the Federal Register together with this Supplementary Order No. 16. Copies are obtainable from any Regional, State or District Office of the Office of Price Administration, and from any Local War Price and Rationing Board.

² 7 F.R. 3776, 4179, 4852, 5520, 6053.

has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1382.12 (d) seven new subparagraphs ((20), (21), (22), (23), (24), (25), (26)) are added, and item 9 is added to subparagraph (2), items 6 through 9 are added to subparagraph (3), items 4 and 5 are added to subparagraph (6),

* Copies may be obtained from the Office of Price Administration.

items 79 through 83 are added to subparagraph (10), item 5 is added to subparagraph (11), item 3 is added to subparagraph (12), item 2 is added to subparagraph (13), and item 7 is added to subparagraph (14) as set forth below:

§ 1382.12 *Appendix B: Maximum prices for Appalachian hardwood lumber in "recurring special" grades or items.*

(d) * * *

(2) Cherry River Boom & Lumber Company.

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
9	No. 1 Common & Selects.....	White Oak.....	1	10 and wider..	.....	\$69.00

(3) Moore Keppel & Company.

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
6	FAS Step Plank.....	Plain Red Oak.....	1½	.....	.....	\$110.00
7	Sound and Better Sill Stock.....	Plain White Oak.....	2	6	.....	70.00
7	Sound and Better Sill Stock.....	Plain White Oak.....	2	8	.....	76.00
7	Sound and Better Sill Stock.....	Plain White Oak.....	2	10	.....	80.00
7	Sound and Better Sill Stock.....	Plain White Oak.....	2	12	.....	80.00
8	Blocking.....	Mixed Hardwoods.....	2, 3, 4	4	.....	24.00
9	No. 2 Common and Better S. W.....	Beech.....	1½	.....	.....	35.00

(6) Morrison, Gross & Company.

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
4	FAS All White Sap End Dried.....	Hard Maple.....	1½	6 and wider....	Average 9....	\$135.00
5	FAS Step Plank.....	Red Oak.....	1½	10½ to 16.....	.....	100.00

(10) The Meadow River Lumber Company.

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
70	FAS.....	Hard Maple.....	1	3 to 4, and 6 1/4 to 7.	6 to 7, and 12 to 13.	\$107.00
80	FAS.....	Hard Maple.....	2	10 to 12.	8.	149.00
81	FAS.....	Plain White Oak..	2	4 and 6.	8.	149.00
82	FAS—WHND.....	Plain White Oak..	1	4.	7' 6" to 8'.	71.00
83	FAS One Face.....	Plain Red Oak.....	1	10.		82.00

(11) Birch Valley Lumber Company.

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
5	No. 1 Common and Selects.....	Poplar.....	1	18 and wider.....		\$73.00

(12) Inter-Mountain Coal & Lumber Company, Incorporated.

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
3	FAS Step Plank.....	Red Oak.....	1 1/2	11 to 15		\$100.00

(13) McCracken and McCall, Incorporated.

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
2	FAS.....	Poplar.....	1	12 and 13.....		\$100.00

(14) Stearns Coal and Lumber Company.

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
7	No. 3 Common—75% Sound (Box Grade).	White Oak and Red Oak..	1			\$39.00

(20) Mountain Fork Lumber Company.

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	Sound Square Edge Free of Heart.....	Plain White Oak.....	2	12		\$32.00

(21) Williams-Brownell Planing Mill Company.

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	FAS White Face.....	Hard Maple.....	1 1/4			\$123.00
2	No. 1 Common and Selects White Face.....	Hard Maple.....	1 1/4			82.00

(25) The Atlas Lumber Company.

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	FAS WHND.....	White Oak.....	2	10 and wider..	-----	\$92.50
2	FAS.....	Red Oak.....	1 1/4	10 to 16.....	-----	180.00
3	"Box", 50% Sound Cuttings.....	Red Oak.....	1	-----	-----	20.00
4	"Box", 50% Sound Cuttings.....	White Oak.....	1	-----	-----	20.00
5	No. 1 Common and Selects—Yellow Stock.....	Poplar.....	1	6 and wider..	8 and longer.	65.00
6	Core Grade.....	Poplar.....	1	-----	-----	34.00
7	FAS.....	Hard Maple.....	1 1/4	12 to 14.....	16.....	160.00
8	FAS.....	Hard Maple.....	1 1/4	12 to 14.....	12 and 14.....	145.00
9	FAS.....	Hard Maple.....	2	12 to 14.....	16.....	160.00
10	FAS.....	Hard Maple.....	2	12 to 14.....	12 and 16.....	155.00
11	No. 1 Common & Selects, 90% and Better White One Face.....	Hard Maple.....	1	-----	-----	80.00
12	No. 1 Common & Selects, 90% and Better White One Face.....	Hard Maple.....	1 1/4	-----	-----	80.00
13	No. 1 Common & Selects, 90% and Better White One Face.....	Hard Maple.....	2	-----	-----	90.00
14	Selects, 90% White One Face and Better.....	Hard Maple.....	2	-----	-----	102.00
15	FAS, 90% White One Face and Better.....	Hard Maple.....	1	-----	-----	110.00
16	FAS, 90% White One Face and Better.....	Hard Maple.....	1 1/4	-----	-----	120.00
17	FAS, 90% White One Face and Better.....	Hard Maple.....	2	-----	-----	130.00

(26) J. M. English Sons Company.

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	FAS Step Plank.....	Red Oak.....	1 1/4	11 to 15.....	-----	\$100.00

(22) Wood Mosaic Company.

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	FAS Step Plank.....	Red Oak.....	1 1/4	11 to 15.....	-----	\$105.00
2	Common and Better Vehicle.....	White Oak and Red Oak.....	2	-----	-----	57.00
3	No. 1 Common.....	Hickory.....	1 1/4	-----	8.....	32.00
4	No. 2 Common.....	Hickory.....	1 1/4	-----	8.....	22.00
5	FAS Sill Stock.....	Red Oak.....	2	8.....	-----	105.00
6	FAS Sill Stock.....	White Oak.....	2	8.....	-----	136.00

(23) Kenova Sawmill Company.

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	No. 1 Common and Better WHND and No. 1 Common Special Grade.....	Oak.....	1	10.....	-----	\$48.00
2	No. 2 Common and Sound.....	Poplar.....	1	-----	14 and 16.....	37.00

(24) Kitchen Lumber Company.

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	Panel and No. 1 Wide.....	Poplar.....	1	18 and wider..	8 to 16.....	\$100.00
2	No. 1 Common and Select Bung.....	Poplar.....	1	-----	-----	67.00
3	No. 2A Common Bung.....	Poplar.....	1	-----	-----	47.00

§ 1382.12a Effective dates of amendments. * * *

(e) Amendment No. 5 (§ 1382.12 (d) (2), (3), (6), (10), (11), (12), (13), (14), (20), (21), (22), (23), (24), (25), (26)) to Maximum Price Regulation No. 146 shall become effective September 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8655; Filed, September 2, 1942;
5:08 p. m.]

PART 1399—CONSTRUCTION, OIL FIELD,
MINING AND RELATED MACHINERY[Amendment 2 to Maximum Price
Regulation 134¹]CONSTRUCTION AND ROAD MAINTENANCE
EQUIPMENT RENTAL PRICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New paragraph (a) is added to § 1399.7 and new paragraph (b) is added to § 1399.9a as set forth below:

§ 1399.7 *Petitions for amendment—* (a) *Counties of the State of Michigan.* Notwithstanding the provisions of § 1399.10, the maximum rental price for any construction or road maintenance equipment leased or furnished to the State of Michigan by the Board of County Road Commissioners of any County of the State of Michigan shall be the rental price agreed upon between the State of Michigan and its Counties on July 21, 1942, as set forth in the rate sheets filed with the Office of Price Administration on August 17, 1942.

§ 1399.9a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1399.7 (a)) to Maximum Price Regulation No. 134 shall become effective September 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8656; Filed, September 2, 1942;
5:08 p. m.]

PART 1412—SOLVENTS

[Amendment 1 to Maximum Price Regulation
36²]

ACETONE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1412.51 (a) is amended by substituting the words "October 3, 1942" for the words "September 3, 1942" and § 1412.65 is amended as set forth below:

§ 1412.65 *Effective dates of amendments.* (a) Maximum Price Regulation No. 36 (§§ 1412.51 to 1412.66, inclusive) shall become effective October 3, 1942; *Provided*, That Revised Price Schedule No. 36³ shall remain in effect until this Maximum Price Regulation No. 36 becomes effective on October 3, 1942.

(b) Amendment No. 1 (§§ 1412.51 (a) and 1412.65) shall become effective Sep-

*Copies may be obtained from the Office of Price Administration.

¹7 F. R. 3203, 3411, 3447.

²7 F. R. 6655.

³7 F. R. 1276, 1836, 2000, 2132, 6385.

tember 3, 1942. (Pub. Law 421, 77th Cong.)

Issued this 2d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8657; Filed, September 2, 1942;
5:10 p. m.]

PART 1412—SOLVENTS

[Amendment 1 to Maximum Price
Regulation 37¹]

BUTYL ALCOHOL AND ESTERS THEREOF

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1412.101 (a) is amended by substituting the words "October 3, 1942" for the words "September 3, 1942" and § 1412.115 is amended as set forth below:

§ 1412.115 *Effective dates of amendments.* (a) Maximum Price Regulation No. 37 (§ 1412.101 to 1412.116, inclusive) shall become effective October 3, 1942; *Provided*, That Revised Price Schedule No. 37² shall remain in effect until this Maximum Price Regulation No. 37 becomes effective on October 3, 1942.

(b) Amendment No. 1 (§§ 1412.101 (a) and 1412.115) shall become effective September 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8658; Filed, September 2, 1942;
5:10 p. m.]

PART 1421—IRON AND STEEL FOUNDRY
PRODUCTS

[Maximum Price Regulation 214]

HIGH ALLOY CASTINGS

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of high alloy castings. Such action is required as the General Maximum Price Regulation³ does not provide a satisfactory method for the pricing of high alloy castings and the Price Administrator has ascertained and given due consideration to the prices of high alloy castings prevailing between October 1 and October 15, 1941 and has determined that those prices are generally more fair and equitable than the prices established by the General Maximum Price Regulation, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far

¹7 F. R. 6657.

²7 F. R. 1277, 1836, 2000, 2133, 6385.

³7 F. R. 3153, 3330, 3605, 3891, 4339, 4457, 4659, 4738, 5027, 5192, 5270, 5365, 5445, 5434, 5565, 5775, 5784, 5783, 6007, 6058, 6031, 6216.

as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,² issued by the Office of Price Administration, Maximum Price Regulation No. 214, is hereby issued.

AUTHORITY: §§ 1421.1 to 1421.19 inclusive issued under Pub. Law 421, 77th Cong.

§ 1421.1 *Maximum prices for high alloy castings.* (a) On and after September 7, 1942, regardless of any contract, agreement, lease or other obligation, no producer shall sell or deliver high alloy castings and no person shall buy or receive high alloy castings from a producer in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1421.15 and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of high alloy castings by a producer to a purchaser if prior to September 7, 1942, such high alloy castings had been received by a carrier, other than a carrier owned or controlled by the producer for shipment to such purchaser.

(b) If upon the purchase of any high alloy casting the purchaser shall receive from the seller or supplier a written affirmation that to the best of his knowledge, information and belief the price charged does not exceed the maximum price established by this Maximum Price Regulation No. 214, and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, the purchaser shall be deemed to have complied with this section.

§ 1421.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1421.15) may be charged, demanded, or offered.

§ 1421.3 *Conditional agreements and adjustable prices.* No producer shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1421.1, in the event that this Maximum Price Regulation No. 214 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That where a petition for amendment or for adjustment or for

*7 F. R. 671, 3073.

exception has been made pursuant to § 1421.8 a producer may make sales, deliveries or offers of sale at prices adjustable in accordance with the disposition of the petition for amendment or for adjustment or exception.

§ 1421.4 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 214 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to high alloy castings alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise; without limiting the foregoing the price limitations set forth in this Maximum Price Regulation No. 214 shall not be evaded by improper classification, unnecessary pattern changes, improper application of extras, exchange of patterns or division of orders to obtain more favorable quantity differentials.

§ 1421.5 *Records and reports.* (a) Every person making purchases from a producer and every producer making sales of high alloy castings in the course of trade or business on and after September 7, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, either the shipping point or delivered price paid or received, and transportation charges or allowances, if any.

(b) Every producer of high alloy castings shall preserve and keep for inspection by the Office of Price Administration all of its records in regard to sales of high alloy castings made between July 15, 1941 and October 15, 1941, inclusive.

(c) Every producer shall preserve and keep for inspection by the Office of Price Administration all of its records in regard to its labor rates for each class of laborers and its material costs and machine hour rates prevailing and in effect at each of its foundries and machine shops, between October 1 and October 15, 1941 together with its records in regard to the methods used for figuring or estimating burden or overhead, delivery charges or allowances, and selling and administrative expense customarily used between October 1 and October 15, 1941.

(d) Persons affected by this Maximum Price Regulation No. 214 shall submit such reports to the Office of Price Administration as it may, from time to time require.

§ 1421.6 *Filing.* (a) Each producer shall file with the Iron and Steel Branch, Office of Price Administration, Washington, D. C., on or before September 25, 1942: (1) its published price lists and schedules, tentative or subject to change or otherwise, for high alloy castings and

for extras or machining thereon insofar as such lists and schedules were distributed and outstanding with one or more of such producer's customers between July 15, 1941 and October 15, 1941, inclusive, and (2) a statement of its established practice between July 15, 1941 and October 15, 1941 of making allowances or discounts to any purchasers or classes thereof. If a producer had no such lists or schedules, or had no established practice of making allowances or discounts, he shall file a statement to that effect.

(b) Each producer, who had in effect between July 15, 1941 and October 15, 1941, inclusive, established and customary quantity or alloy or carbon content price differentials for any or all high alloy castings produced and sold by him, shall file with the Iron and Steel Branch, Office of Price Administration, Washington, D. C., on or before September 25, 1942, a statement listing or describing such quantity or alloy or carbon content price differentials and the types of high alloy castings to which such differentials applied. If a producer had no such quantity or alloy or carbon content price differentials, he shall file a statement to that effect.

(c) Each producer, who customarily let out machining work on high alloy castings to independent machine shops between October 1 and October 15, 1941, shall file with the Iron and Steel Branch, Office of Price Administration, Washington, D. C., on or before September 25, 1942 a statement of his customary method, in effect between October 1 and October 15, 1941, of computing charges for the machining of high alloy castings in cases where the machining has been let out to an independent machine shop. If a producer did not customarily let out machining work to independent machine shops between October 1 and October 15, 1941, he shall file a statement to that effect.

§ 1421.7 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 214 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 214 or any price schedule, regulation or order issued by the Office of Price Administration or any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1421.8 *Petitions for amendment, adjustment and exception.* (a) Any producer who has entered into or proposes to enter into a contract for the sale of high alloy castings, who believes that the maximum price for such high alloy casting as established by this Maximum Price Regulation No. 214 impedes or threatens to impede the production of

high alloy castings which are essential to the war program and which are or will be the subject of a contract for production essential to the war program may petition for, and the Price Administrator may grant, adjustment of the maximum price. The petition for adjustment pursuant to this paragraph shall be made on Form No. 314:1 set out in Appendix D, incorporated herein as § 1421.18, or on a copy of said Form made by petitioner, and separate forms shall be used for each high alloy casting of different design or specification. Petitions for such adjustment must be filed in accordance with Procedural Regulation No. 1³ issued by the Office of Price Administration. After a petition has been filed and pending the issuance of an order granting or denying the petition, the petitioner may enter into or offer to enter into contracts and may make deliveries at the price requested in the petition. If the order issued denies the petition in whole or in part, the contract price shall be revised downward to the maximum price ordered; and if any payment has been made at the requested price, the petitioner shall refund the excess.

(b) The Price Administrator may grant an exception permitting a producer to make charges for machining of high alloy castings performed by such producer sufficient in amount to permit such producer to recover: (1) his cost of labor directly expended on and applicable to the machining of high alloy castings; (2) his cost of material directly expended on and applicable to the machining of high alloy castings; and (3) other costs necessary to bring the machining of high alloy castings to a state of physical completion in the machine shop. An exception under this paragraph may be granted only in cases where the producer shows to the satisfaction of the Price Administrator that such costs were customarily being recovered by him between October 1 and October 15, 1941 or that the percentage of such costs currently being recovered at the time of the petition hereunder is less than that customarily recovered by him between October 1 and October 15, 1941 to such a degree as to work a substantial hardship. Petitions for such exceptions must be filed in accordance with Procedural Regulation No. 1⁴ issued by the Office of Price Administration.

(c) The Price Administrator may grant an exception permitting a producer to charge more than the maximum price set forth in this Maximum Price Regulation No. 214 in cases where the producer shows that he must otherwise absorb abnormally high transportation costs resulting from the emergency demands of war. In all such cases the petitioner shall submit a description of the shipment or shipments, the reasons why the shipment or shipments bear abnormally high transportation costs, the price or proposed price, the transportation costs and the

³ *Supra*, note 2.

⁴ *Supra*, note 2.

relation of such shipment or shipments to the war effort. Petitions for such exceptions must be filed in accordance with Procedural Regulation No. 1⁴ issued by the Office of Price Administration.

(d) Persons seeking any modification of this Maximum Price Regulation No. 214 or an adjustment or exception not provided for therein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,⁴ issued by the Office of Price Administration.

§ 1421.9 Federal and state taxes. There may be added to the maximum price established by this Maximum Price Regulation No. 214 the amount of tax levied by any Federal excise tax statute or any state or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (1) such statute or ordinance requires the vendor to state the tax separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (2) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer or user with tokens or other media of state or municipal tax payment; or (3) such a statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this section shall in no event exceed that paid by the purchaser, consumer, or user.

§ 1421.10 Applicability of General Maximum Price Regulation. The provisions of this Maximum Price Regulation No. 214 supersede the provisions of the General Maximum Price Regulation⁵ with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1421.11 Sales for export. The maximum price at which a producer may export high alloy castings shall be determined in accordance with the provisions of the Maximum Export Regulation⁶ issued by the Office of Price Administration.

§ 1421.12 Invoicing. The producer's invoices shall separately state the price for each of the following items: (a) rough casting; (b) machining, if any; (c) each extra, if any; and (d) transportation charges or allowances: *Provided*, That where any high alloy casting, which is a patented or trade marked product was or would have been cus-

tomarily involved between October 1 and October 15, 1941 on a per piece basis by any such producer, or where any agency of the government requires invoicing of any high alloy casting on a per piece basis, such castings may be invoiced on a per piece basis and separate statements as hereinabove provided are not required.

§ 1421.13 Definitions. (a) When used in this Maximum Price Regulation No. 214 the terms:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Producer" means any person engaged in the production of high alloy castings.

(3) "High alloy casting" means any heat-resistant casting or corrosion-resistant casting, rough or machined, which has a ferrous and/or nickel base and which contains more than 8% alloy, and also means any chrome iron casting, abrasion-resistant rough or machined, which has a ferrous base and which contains more than 8% alloy. This definition does not include wear-resistant castings containing 10% or more manganese and commonly known as "Hadfield manganese" steel castings.

(4) "Heat-resistant castings" means any nickel-chrome or chrome-nickel, (carbon 1% or under) high alloy casting, which normally operates at a metal temperature of 900° Fahrenheit or higher, except castings used up to 1200° Fahrenheit operated under conditions of high pressure and corrosion.

(5) "Corrosion-resistant casting" means any nickel-chrome or chrome-nickel, (carbon 1% or under) high alloy casting, which normally operates in contact with corrosive agents at temperatures less than 900° Fahrenheit, including castings used up to 1200° Fahrenheit under conditions of high pressure and corrosion.

(6) "Rough casting" means a high alloy casting with respect to which the foundry processes have been completed but on which no machining, necessary construction welding, or assembling by welding, or other work of attachment has been performed.

(7) "Sold or offered for sale" means (i) entering into a contract of sale, or (ii), if no contract of sale is entered into, an offer of sale made in writing, or (iii), if neither a contract of sale is entered into or an offer of sale made, a published price list or schedule distributed to a particular customer or group of customers and whether or not the prices contained

therein are tentative or subject to change without notice.

(8) "Base period" means the period July 15, 1941 to October 15, 1941, inclusive.

(9) "Machining" means any finishing operation performed on the rough casting prior to delivery to the purchaser and also means any welding, treating, testing, inspecting, adjusting, repairing and rebuilding performed on the rough casting prior to delivery to the purchaser.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1421.14 Effective date. This Maximum Price Regulation No. 214 (§§ 1421.1 to 1421.19 inclusive) shall become effective September 7, 1942.

§ 1421.15 Appendix A—(a) Maximum delivered prices for high alloy castings of designs sold or offered for sale during the base period. The maximum delivered price for a producer for a high alloy casting of the same, or substantially the same, design as a high alloy casting sold or offered for sale⁷ during the base period by such producer shall be an amount not in excess of a price computed as follows:

(1) *Rough casting:* The maximum price for the rough casting shall be the highest price at which such producer sold or offered for sale an identical quantity of such casting as a rough casting during the base period: *Provided*, That (i) in case of a quantity other than an identical quantity said maximum price shall be determined by adjusting for such established, customary and applicable quantity price differential as was in effect for such producer during the base period, or, if such producer had no such quantity price differential during the base period, by adjusting for a quantity price differential determined by multiplying said highest price by the percentage difference between the prices for the applicable quantities set forth in the applicable base schedule in Appendix B (§ 1421.16);⁸ (ii) in case of a casting of the same, or substantially the same, de-

⁷ The expression "sold or offered for sale" is defined in § 1421.13 (a) (7) and should be carefully noted and applied wherever the expression is used.

⁸ Example: Assume the highest price in the base period was established by a sale of 3 25-lb. heat-resistant castings, 67% (65%-69% tolerance) nickel and 17% (15%-19% tolerance) chromium analysis, at \$1.00 per lb. An order is received after the effective date of this Maximum Price Regulation No. 214 for 20 castings of the same design and analysis. The base schedule price for 8 is 61¢ per lb. The base schedule price for 20 is 54¢ per lb. The maximum price for the rough castings on the new order of 20 castings is \$1.00 x .54/.61 or 83.5¢ per lb.

⁴ *Supra*, note 2.

⁵ *Supra*, note 1.

⁶ 7 F.R. 5059.

sign but where different alloy or carbon content is specified said maximum price shall be determined by adjusting for such established, customary and applicable alloy or carbon content price differential as was in effect for such producer during the base period, or if such producer had no such alloy or carbon content price differential during the base period, by adjusting for the difference in alloy or carbon content specification by adding to or subtracting from said highest price such of the price differentials set forth in § 1421.16 (a) (3) and § 1421.16 (b)^o as are applicable.

(2) *Extras*: There may be added to the maximum price of the rough casting an amount for extras, other than machining, not in excess of the amount customarily charged by such producer on similar sales during the base period, but only where such extras are furnished, and have not already been included in the maximum price for the rough casting.

(3) *Machining*: There may be added to the maximum price of the rough casting, where the rough casting is machined before delivery to the purchaser, an amount not in excess of the applicable amount determined pursuant to paragraph (b) of Appendix C (§ 1421.17).

(4) *Discounts and credit terms*: (1) Where any commission or functional or other discount was or would have been customarily allowed by such producer during the base period to any manufacturer, jobber, dealer, or other distributor or to specific classes or purchasers, such

as the automotive producers, the amount of such commission or functional or other discount shall be deducted from the above maximum price (if not already deducted in the computation thereof); (ii) There shall be deducted one half of one percent before adjustment for transportation allowances and charges, for payment within 10 days from receipt of the invoice by the purchaser.

(5) *Transportation allowances and charges*: Such allowances for transportation as were customarily made on similar sales by such producer during the base period shall be computed at rates in effect at the time of shipment and shall be continued. Such charges for transportation as were made on similar sales by such producer during the base period shall be computed at rates in effect at the time of shipment and may be added to the maximum price for the rough casting.

(6) *Limitation*: In no event shall the maximum delivered price determined pursuant to subparagraphs (1) to (5), inclusive, of this paragraph exceed the highest price at which a high alloy casting of the same or substantially the same design and alloy and carbon content was sold or offered for sale to the same purchaser during the base period in an identical quantity, or in case of other than an identical quantity a price computed on such highest price as a base and adjusted for the quantity price differential as in subparagraph (1) (i).

(7) *Per piece basis*: Where such high alloy casting was customarily, during the base period, sold and invoiced by a producer on a per piece basis the maximum price shall not exceed the highest price at which such producer sold or offered for sale an identical quantity of such casting during the base period: *Provided*, That (i) in the case of a quantity other than an identical quantity said maximum price shall be adjusted for the quantity price differential as in subparagraph (1) (i); (ii) in case of a casting of the same design, but of different alloy or carbon content specification said maximum price shall be adjusted for the alloy or carbon content price differential as in subparagraph (1) (ii); (iii) there may be added, where machining on such casting is let out to independent machine shops, an amount not in excess of the difference between the net cost to the producer of such machining and the net cost to the

producer of the machining on the casting of the same, or substantially the same, design sold at the highest price during the base period; (iv) adjustment shall be made for discounts and credit terms as provided in subparagraph (4); (v) adjustment shall be made for the transportation allowances and charges in subparagraph (5); and (vi) the limitation set forth in subparagraph (6) shall apply.

(b) *Maximum delivered prices for heat-resistant castings and corrosion-resistant castings of designs produced by the industry since 1937 and for which a maximum price is not established by paragraph (a)*. The maximum delivered price for a heat-resistant casting or corrosion-resistant casting of a design produced and sold commercially by the industry since 1937 and prior to the effective date of this Maximum Price Regulation No. 214, and for which no maximum price for a producer is established by paragraph (a) of this section, shall be an amount not in excess of a price computed as follows: (1) the applicable base price for the rough casting in accordance with the base schedule and quantity and alloy and carbon content differentials set forth in Appendix B (§ 1421.16); (2) where the rough casting is machined before delivery to the purchaser, there may be added an amount therefor not in excess of the applicable amount determined pursuant to paragraph (b) of Appendix C (§ 1421.17); (3) there may be added such of the extras set forth in paragraph (a) of Appendix C (§ 1421.17) as are applicable; (4) there shall be deducted one half of one percent for payment within 10 days from receipt of the invoice by the purchaser; and (5) adjustment shall be made for freight as follows: (i) on shipments of 100 pounds or more the lowest applicable railroad charge at rates in effect at the time of shipment for an identical quantity of high alloy castings shall be allowed; (ii) on shipments of less than 100 pounds the lowest applicable railroad charges at rates in effect at the time of shipment for an identical quantity of high alloy castings may be added; and (iii) where the purchaser specifies means of transportation costing in excess of the lowest applicable rail charges at rates in effect at the time of shipment, the difference may be added.

^o *Example*: Assume the highest price in the base period was established by a sale of 8 25-lb. heat-resistant castings, 67% (65%-69% tolerance) nickel and 17% (15%-19% tolerance) chromium analysis, at \$1.00 per lb. An order is received after the effective date of this Maximum Price Regulation No. 214 for another 8 castings of the same design but of an analysis of 35% (34%-36% tolerance) nickel and 15% (13%-17% tolerance) chromium. This is 31% less nickel and 2% less chromium than the base period sale. The applicable per lb. differential (§ 1421.16 (b)) is 5¢ for nickel and 2¢ for chromium for each 1% difference in content. The maximum price for the rough castings on the new order is 84.1¢ per lb. ascertained as follows:

31 x .5¢ = 15.5¢ deduction for nickel
2 x .2¢ = .4¢ deduction for chromium

15.9¢ per lb. total deduction
\$1.00 - 15.9¢ = 84.1¢ per lb.

This paragraph does not apply to chrome iron abrasion-resistant castings.

(c) *Maximum delivered prices for high alloy castings other than those in paragraphs (a) and (b).* The maximum delivered price for any high alloy casting for which a maximum price is not established by paragraphs (a) and (b) of this section shall be the price for any producer which is established as follows: A producer who proposes to sell or offer to sell such casting shall file with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., a cost estimate and proposed selling price for such casting on and pursuant to Form No. 314 : 2 (set out in Appendix E, incorporated herein as § 1421.19) which proposed selling price shall be approved as filed, or approved subject to such adjustments, conditions and limitations as the Office of Price Administration may in its discretion provide, or shall be disapproved within seven days from the time it is received by said Iron and Steel Branch, and in the event the Office of Price Administration does not send out in writing its approval or disapproval within seven days as above, the proposed price as filed shall be deemed approved for the proposed sale with respect to which it was stated on Form No. 314 : 2 to be filed: *Provided*, That (1) in filling out the items on Form No. 314 : 2 the cost factors and profit margin used shall be those in effect and prevailing between October 1 and October 15, 1941 for the producer filing said Form No. 314 : 2; and (2) where a price for a casting has been approved pursuant to this paragraph for a producer, such producer may submit for approval a quantity price differential for such casting and if approved, such prices shall constitute the maximum prices at which such producer may sell such castings, except that maximum prices so established shall be subject to adjustment by the Office of Price Administration. Form No. 314 : 2 may be obtained from the Iron and Steel Branch, Office of Price Administration, Washington, D. C., or may be copied from Appendix E (§ 1421.19).

§ 1421.16 *Appendix B—Base price schedules for heat-resistant and corrosion-resistant castings.* (a) The following are the base price schedules for corrosion-resistant castings of a basic analysis of chromium, 18% to 20%, nickel, 8% to 10%, and carbon, .16% to .30%:

(i) For castings weighing less than 1 lb. each:

Number of pieces per pound	Number of castings per pattern						
	1 to 4	5 to 9	10 to 24	25 to 49	50 to 249	250 to 499	500 and over
2 or less.....	Each \$1.12	Each \$1.12	Each \$1.12	Each \$1.04	Each \$0.83	Each \$0.71	Each \$0.71
3 and 4.....	1.12	1.12	1.12	.79	.62	.67	.65
5 through 8.....	1.12	1.12	1.12	.63	.77	.69	.69
9 through 16.....	1.12	1.12	1.12	.63	.71	.65	.65
16 and over.....	1.12	1.12	1.12	.62	.69	.63	.63

(2) For castings weighing 1 lb. or more each:

Weight each	Number of castings per pattern						
	1 to 4	5 to 9	10 to 24	25 to 49	50 to 249	250 to 499	500 and over
1 to 3 pounds.....	Per pound \$1.12	Per pound \$1.12	Per pound \$1.12	Per pound \$1.06	Per pound \$0.85	Per pound \$0.84	Per pound \$0.73
3 to 5 pounds.....	1.09	1.06	1.06	.85	.84	.73	.62
5 to 10 pounds.....	.85	.80	.81	.79	.73	.63	.62
10 to 15 pounds.....	.81	.83	.75	.71	.67	.62	.53
15 to 25 pounds.....	.79	.74	.70	.62	.61	.57	.52
25 to 50 pounds.....	.73	.69	.64	.60	.57	.52	.49
50 to 100 pounds.....	.68	.63	.59	.56	.52	.49	.49
100 to 250 pounds.....	.62	.59	.56	.52	.49	.49	.49
250 to 500 pounds.....	.59	.57	.53	.50	.49	.49	.49
500 to 1,000 pounds.....	.59	.55	.52	.50	.49	.49	.49
1,000 and over.....	.57	.55	.52	.50	.49	.49	.49

(3) For alloy or carbon content differences from the midpoint of the basic analysis add to or subtract from the applicable base price in the schedules in subparagraphs (1) and (2), using the midpoints of the basic analysis and the analysis specified in the contract of sale to determine the extent of such differences, the following price differentials:¹²

(i) *Nickel-chromium:*

Nickel, 0.8¢ per lb. for each 1% difference.
Chromium, 0.6¢ per lb. for each 1% difference.

Provided, That on chrome-nickel alloys where the chromium content is in excess of 8% and the nickel content is less than 3% and no other alloying elements are present, no deductions need be made from the base price in the schedules in subparagraphs (1) and (2) above on account

of nickel difference from the basic analysis.

(ii) *Other alloys:*

Selenium, 0.40% maximum add 2¢ per lb. to base schedule.

Titanium, 0.25% to 1.00% add 10¢ per lb. to base schedule.

Molybdenum, 2.00% maximum add 3¢ per lb. to base schedule.

Molybdenum, 2.01% to 4.50% add 5¢ per lb. to base schedule.

Columbium, 10% X carbon add 5¢ per lb. to base schedule.

(iii) *Carbon:*

Up to 0.10% maximum add 5¢ per lb. to base schedule.

From 0.10% to .16% add 2½¢ per lb. to base schedule.

From 0.16% to .30% use base schedule.

From 0.30% to 1.00% subtract 2¢ per lb. from base schedule.

¹² Example:

Alloy designation	Chromium	Nickel	Carbon	Molybdenum	Columbium
GG-7MC.....	Percent 20-22	Percent 10-12	Percent 0.67	Percent 3.0	Percent 10x C=0.70

Chromium, add.....	Cents 1.2
Nickel, add.....	1.5
Carbon, add.....	5.0
Molybdenum, add.....	5.0
Columbium, add.....	5.0
Add to base price.....	17.8

(b) The following is the base price schedule for heat-resistant castings of a basic analysis of chromium 23% to 27%, nickel 10% to 13% and carbon, 1% or under.

Weight each	Number of castings per pattern						
	1 to 4	5 to 9	10 to 24	25 to 99	100 to 249	250 to 499	500 and over
Less than 1 pound.....	Per pound \$1.10	Per pound \$1.10	Per pound \$1.10	Per pound \$0.99	Per pound \$0.88	Per pound \$0.77	Per pound \$0.72
1 to 5 pounds.....	.88	.88	.88	.77	.72	.66	.64
5 to 20 pounds.....	.77	.66	.64	.63	.61	.58	.56
20 to 50 pounds.....	.64	.61	.54	.53	.52	.51	.50
50 to 100 pounds.....	.57	.53	.52	.51	.51	.50	.48
100 to 250 pounds.....	.53	.52	.50	.48	.48	.47	.47
250 to 500 pounds.....	.51	.51	.48	.47	.46	.46	.46
500 pounds and over.....	.50	.48	.47	.45	.45	.45	.45

For alloy content differences from the midpoint of the basic analysis add to or subtract from the applicable base price in this schedule, using the midpoints of the basic analysis and the analysis specified in the contract of sale to determine the extent of such differences, the following price differentials:¹¹

Nickel-chromium:

Nickel, 0.5¢ per lb. for each 1% difference.

Chromium, 0.2¢ per lb. for each 1% difference.

Other alloys:

Selenium, 0.40% maximum add 2¢ per lb. to base schedule.

Titanium, 0.25% to 1.00% add 10¢ per lb. to base schedule.

Molybdenum, 2.00% maximum add 3¢ per lb. to base schedule.

Molybdenum, 2.01% to 4.50% add 5¢ per lb. to base schedule.

Columbium, 10 x carbon add 5¢ per lb. to base schedule.

§ 1421.17 *Appendix C: Extras and machining*—(a) *Extras*. The following are the extras which may be added, where applicable and furnished by the producer, to the maximum prices referred to in paragraph (b) of § 1421.15:

(1) *Specification extras*: On orders of \$200.00 or less that require test specimens in accordance with buyer's specifications, the following extras may be charged.

A. Each tensile test specimen machined and/or tested.....	\$5.00
B. Each bend test specimen machined and/or tested.....	5.00
C. Each salt spray test specimen.....	4.00
D. Each weld effect test specimen welded and/or tested.....	4.00
E. Each electrolytic etch test specimen.....	5.00
F. Each nitric acid corrosion test specimen.....	5.00
G. Atmospheric Temperature Charpy Impact Test Specimen.....	5.00
H. Sub-atmospheric Temperature Charpy Impact Test Specimen.....	5.00

¹¹ Example:

Alloy designation	Chromium	Nickel
RS.....	Percent 8-12	Percent 29-32
Cents		
Chromium, deduct.....	3.0	
Nickel, add.....		9.8
Add to base price.....		6.8

When a combination of the above tests is required the extras indicated shall be added together.

(2) *Special specification extras*: An extra charge of 5¢ per pound may be added to the pound price for castings that are subject to United States Navy specification 46-S-27 A.

(3) *Wall thickness extras*. If one or more sections of pump parts carburising boxes centrifugally cast tubes, roller rails and furnace parts is less than 1 1/32" thick the following prices per casting (but not per section) may be added to the base price:

	Cents
Less than 1/32".....	add 12
1/32" up to but not including 1/16".....	add 9
1/16" up to but not including 1/8".....	add 6
1/8" up to but not including 1/4".....	add 3

(4) *Pressure test*: When pressure tests are required and made by the producer there may be added:

Weight per casting	
1-5 lbs.....	Add 12¢ per lb.
5-10 lbs.....	Add 8¢ per lb.
10-50 lbs.....	Add 5¢ per lb.
50-250 lbs.....	Add 3¢ per lb.
Over 250 lbs.....	Add 2¢ per lb.

(b) *Machining*. The following are the maximum charges for machining where furnished and applicable: (1) Where performed by the producer, by application of such producer's established machine hour rate in effect between October 1 and October 15, 1941, or, if such producer had no such work between October 1 and October 15, 1941 determined by the cost factors and profit margins then in effect for such producer. If such producer did not customarily perform machining between October 1 and October 15, 1941 his maximum charge shall be a charge determined after specific authorization from the Office of Price Administration; a producer who seeks an authorization to determine such maximum charge shall file with the Iron and Steel Branch, Office of Price Administration, Washington, D. C., an application setting forth (i) a description of the proposed machining of high alloy casting to be performed by such producer, and (ii) a detailed statement of such producer's actual costs, if any, and estimated costs for machining of high alloy cast-

ings. If such authorization is given, it will be accompanied by instructions as to the method for determining such maximum charges.

(2) Where the machining is let out by such producers, the net cost to such producer for the machining together with such additional charge, if any, as was in effect for such producer between October 1 and October 15, 1941 on machining let out to independent machine shops.

§ 1421.18 *Appendix D*. The following is Form No. 314:1 referred to in § 1421.8 (a):

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Form OPA 314:1¹

Petition for adjustment of maximum prices for high alloy castings under § 1421.8 (a) of Maximum Price Regulation No. 214.

The petitioner, (insert name and address) hereby petitions the Price Administrator, under § 1421.8 (a) of Maximum Price Regulation No. 214 and Procedural Regulation No. 1 for adjustment of the maximum price established for the particular high alloy casting described below.

The following facts are furnished to the OPA in support of this petition:

- I. *Description of casting*
 - a. Classification or type.....
 - b. Where used.....
 - c. Chemical analysis specified in contract of sale.....
 - d. Pattern No.....
 - e. Kind of pattern.....
 - f. Size flask.....
 - g. No. patterns in flask.....
 - h. No. cores.....
 - i. Method of molding.....
 - j. Heads, gates, recovered scrap (estimate in lbs. for each casting).....
 - k. Defectives (estimate per cent).....
 - l. Yield from charge (estimate).....
 - m. Shipping weight each (estimate).....
- II. *Description of contract*.² Answer (a) and either (b) or (c).

(a) Serial number or other identification of contract, giving name and address of purchaser or prospective purchaser:

- (1) Identification of Contract.....
- (2) Name of Purchaser.....
- (3) Address of Purchaser.....

(Street) (City) (State)

(b) If price adjustment is sought with respect to deliveries under existing contracts submit:

- (1) Date of Contract.....
- (2) Estimated date of completion.....
- (3) Total quantity of castings contracted for.....(lbs.)
- (4) Total quantity of castings remaining to be delivered or supplied.....(lbs.)
- (c) If price adjustment is sought for a proposed contract, submit:
 - (1) Final delivery date to be stipulated by proposed contract.....

¹ One original and four copies of this form shall be filed with the Secretary of the Office of Price Administration, Washington, D. C., in accordance with § 1300.39 of Procedural Regulation No. 1. The provision of that section with respect to the contents of a petition may be disregarded except insofar as required by this form.

² The term "contract" includes purchase orders, letters of intent or other arrangements not yet completed.

- (2) Estimated date at which deliveries will begin _____
- (3) Total quantity of castings to be contracted for _____ (lbs.)
- (4) Value of contract (proposed price per casting times quantity) \$ _____

III. Importance of the contract in petitioner's operations. The term "sales" means sales as usually computed by petitioner.

(a) Total of petitioner's sales of high alloy castings for last six calendar months prior to the date of this petition \$ _____

(b) Estimated sales for next six months of particular high alloy castings with respect to which this petition is made, assuming the price adjustment requested is granted \$ _____

(c) Total of petitioner's sales of all products for last six calendar months prior to the date of this petition \$ _____

IV. Costs of producing particular casting. The following instructions should be followed in furnishing the information required in Columns 1 and 11 below. The furnishing of the information required in Column 1 is optional.

(a) Give actual cost data if available. If no actual cost data are available, give estimates as to current costs. Indicate, however, by encircling the appropriate figures where estimates are being employed.

(b) Net metal cost. In computing "net metal cost," use costs shown on your books. Report "net metal cost" as the difference between gross metal charged and recovered scrap. "Conversion Cost" will include labor, fuel, power, electrodes, supplies, furnace repairs, and other overhead items applicable to the melting department.

(c) Direct labor. State cost of direct or production labor following the classifications in your own records; and for each classification, use actual wages of men employed on the job, or if not practicable, base cost on departmental or shop average wage rates for each classification.

(d) Other foundry costs. If the practice of your foundry is to allocate shop overhead to departments, report overhead by departments. If, however, "General Shop Overhead" is not broken down by departments, report only as "General Shop Overhead." If shop overhead by departments is used as well as "General Shop Overhead" not directly applicable to departments, report both by departments and also by "General Shop Overhead."

(e) Costs shall be given on either a per piece or per 100 pound basis. Indicate whichever basis is used.

Details of cost	Column I	Column II
	Oct. 1 to Oct. 15 1941	Current date
Furnace Dept.:		
Net Metal Cost.....		
Conversion Cost.....		
Total Metal Cost.....		
Molding Dept.:		
Direct Labor.....		
Overhead.....		
Core Dept.:		
Direct Labor.....		
Overhead.....		
Cleaning Dept.:		
Direct Labor.....		
Overhead.....		
Heat treating.....		
Pattern expense.....		
Extras (Explain).....		

Details of cost	Column I	Column II
	Oct. 1 to Oct. 15 1941	Current date
Genl. shop overhead.....		
Total shop cost.....		
Selling and administration expense.....		
Other costs (Specify).....		
Total cost.....		
Machining cost.....		
Profit margin.....		
Freight.....		
Selling price (Requested).....		

V. Submit any other facts relevant to this request for a price adjustment, including a statement of the established maximum price for the particular casting at the time this petition was filed and the computation by which said maximum price was ascertained.

VI. State whether the petitioner has entered into, or will enter into a contract or will make deliveries, at the requested price pending final action by the Office of Price Administration. Yes () No ().

VII. Submit the following:

A. Balance Sheets as of the close of:

1. 1936 through 1941 (fiscal or calendar years).

2. Most recent accounting period.

B. Income Statements for:

1. 1936 through 1941 (fiscal or calendar years).

2. Most recent accounting period.

C. Sales:

1. Of all products in 1941.

2. Of high alloy castings in 1941.

Instructions. (1) Income statements must show: (a) net sales (b) cost of products sold, stating separately total direct material costs, and total other manufacturing costs (c) general and administrative expenses, segregating compensation to officers and directors, and (d) net profits before income and excess profits taxes. All charges to operations representing accumulations of reserves must be shown in detail on the statements.

(2) The petitioner need not file with the petition any required financial data which were previously submitted on Form A—Annual Financial Report—or Form B—Interim Financial Report—or any other questionnaire issued by the Office of Price Administration.

Applicant

By _____

Title

AFFIDAVIT

State of _____

County of _____, ss:

The undersigned _____, being first duly sworn according to law on oath deposes and says: that he is the person whose name appears subscribed to the above petition for Adjustment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

Signature

Subscribed and sworn to before me this _____ day of _____

A. D. 1941.

Officer Administering Oath

§ 1421.19 Appendix E. The following is Form No. 314-2 referred to in § 1421.15 (c):

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

IRON AND STEEL BRANCH

Form No. 314-2

Cost Estimate Sheet for High Alloy Castings Based Upon Cost Factors and Profit Margin in Effect October 1-15, 1941

Name of foundry _____
 Customer _____
 Date of casting _____ Where used _____
 Pattern No. _____ Chemical Analysis _____
 No. patterns in flask _____ No. of cores _____
 Kind of patterns _____ Size flask _____
 Method of molding _____
 Heads, gates, recovered scrap (each casting) _____ lbs.
 Defectives _____ % of total castings.
 Pieces ordered _____ Est. shipping wt. each _____
 Yield from charge _____

Details of cost	Good castings	
	Per piece	Per 100 lbs. ¹
Furnace Dept.:		
Net metal cost.....		
Conversion cost.....		
Total metal cost.....		
Molding Dept.:		
Direct labor.....		
Overhead.....		
Core Dept.:		
Direct labor.....		
Overhead.....		
Cleaning Dept.:		
Direct labor.....		
Overhead.....		
Heat treating.....		
Pattern expense.....		
Extras (explain).....		
General shop overhead:		
Total shop cost.....		
Selling and adm. expense.....		
Other costs (Specify).....		
Total cost.....		
Machining cost.....		
Profit margin.....		
Freight.....		
Selling price (proposed).....		

¹ Report "Net Metal Cost" as the difference between gross metal charged and recovered scrap. "Conversion Cost" will include labor, fuel, power, electrodes, supplies, furnace repairs, and other overhead items applicable to melting department.

² If the practice of your foundry is to allocate shop overhead to departments, report overhead by departments. If, however, "General Shop Overhead" is not broken down by departments, report only as "General Shop Overhead." If shop overhead by departments is used as well as "General Shop Overhead" not directly applicable to departments and also by "General Shop Overhead."

³ Either method is satisfactory.

Remarks:

Name of Applicant

By _____ Officer Signing Title

State of _____ County of _____ ss:

_____, being duly sworn, deposes and says: That he is the person whose name appears subscribed to this Form No. _____; and that he has read the same and

to the best of his knowledge and belief the facts contained therein are true and correct.

Signature
Subscribed and sworn to before me this _____ day of _____
A. D. 1942.

Officer Administering Oath
Issued this 2d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8659; Filed, September 2, 1942;
5:09 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 3, as Amended, Under § 1499.18 (c) of the General Maximum Price Regulation]

GEORGE ORAVETZ AND SON, INC.

A statement of the considerations involved in the issuance of this Order No. 3, as amended, under § 1499.18 (c) of the General Maximum Price Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.353 is amended to read as set forth below:

§ 1499.353 *Adjustment of maximum prices for charcoal sold by George Oravetz and Son, Inc.* (a) George Oravetz and Son, Inc., Auburn, Washington, may sell and deliver, and any person may buy and receive from George Oravetz and Son, Inc., the following commodities at prices not higher than those set forth below:

(1) Alder wood ground charcoal, \$44 per ton carload lots, \$63.00 per ton less than carload lots;

(2) Alder wood lump charcoal, \$45.00 per ton carload lots, \$52.00 per ton less than carload lots;

(3) Fir wood ground charcoal, \$43.00 per ton carload lots, \$46.00 per ton less than carload lots;

(4) Fir wood lump charcoal, \$40.00 per ton carload lots, \$46.50 per ton less than carload lots.

The above maximum prices are f. o. b. plant, bags returnable.

(b) All discounts, allowances and practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodities during March 1942 by the seller shall remain in effect under this order.

(c) George Oravetz and Son, Inc., shall mail or cause to be mailed to all persons who purchase from it for resale the commodities set forth in paragraph (a) of § 1499.353 at the prices established pursuant to this Order No. 3 (§ 1499.353), a notice reading as follows:

The Office of Price Administration, by Order No. 3 (§ 1499.353) effective September 2, 1942, pursuant to section 18 (c) of the General Maximum Price Regulation, has permitted

*Copies may be obtained from the Office of Price Administration.

George Oravetz and Son, Inc., to raise its maximum prices for sales to you from the following prices:

		Less than
	Carload	carload
Alder wood ground.....	\$36	\$55.00
Alder wood lump.....	35	42.00
Fir wood ground.....	39	42.00
Fir wood lump.....	36	42.50

to the prices set forth below:

		Less than
	Carload	carload
Alder wood ground.....	\$44	\$63.00
Alder wood lump.....	45	52.00
Fir wood ground.....	43	46.00
Fir wood lump.....	40	46.50

Such prices are subject to all discounts, allowances and trade practices in effect during March 1942 with respect to sales of the above commodities by that Company.

Order No. 3 (§ 1499.353) does not permit you to raise your maximum prices, as established under the General Maximum Price Regulation, for sales of charcoal. However, if the price charged by George Oravetz and Son, Inc., for sales of charcoal to you, pursuant to such Order imposes a substantial hardship upon you, you may communicate with the nearest District, State or Regional Office of the Office of Price Administration, setting forth any facts relating to such hardship as you may believe pertinent.

(d) This Order No. 3 may be amended or revoked by the Price Administrator at any time.

(e) This Order No. 3 (§ 1499.353) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) Order No. 3, as amended, under § 1499.18 (c) of the General Maximum Price Regulation shall become effective September 2, 1942. (Pub. Law 421, 77th Cong.)

Issued this 2d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8661; Filed, September 2, 1942;
5:09 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 1 Under § 1499.114 (c) of Maximum Price Regulation 165, as Amended—Services]

COUNTY TRUCK RENTALS IN STATE OF MICHIGAN

For the reasons set forth in an opinion * issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.114 (c) of Maximum Price Regulation No. 165—Services, it is hereby ordered that:

§ 1499.501 *Adjustment of maximum prices for rentals of trucks by counties of the State of Michigan:*

* 7 FR. 6428.

(a) The Board of County Road Commissioners of any county of the State of Michigan is hereby authorized to charge the State of Michigan for the rental of trucks at the rates agreed upon by the State of Michigan and its counties on July 21, 1942, and filed with the Office of Price Administration August 17, 1942.

(b) This order may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 1 (§ 1499.501) shall become effective September 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8660; Filed, September 2, 1942;
5:08 p. m.]

PART 1381—SOFTWARE LUMBER

[Amendment 2 to Maximum Price Regulation 161¹]

WEST COAST LOGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (b) of § 1381.155 is amended, and a new paragraph (c) is added to § 1381.155; § 1381.157 is amended by changing the heading, numbering the first paragraph (a), and adding a new paragraph (b); § 1381.158, paragraph (a) (10) is amended, and new subparagraphs (13) and (14) are added; § 1381.160, paragraph (a), subparagraph (1), headings (iii) and (iv) are amended, and new headings (vii) and (viii) are added; paragraphs (b) and (c) of § 1381.160 are amended, and a new paragraph (e) is added; and a new § 1381.159a, (b) is added; as set forth below.

§ 1381.155 *Records and reports.*

(b) On and after September 9, 1942, a scale and grade statement must accompany every sale of West Coast logs subject to this Regulation, of a quantity of 20,000 feet or more. The statement must be prepared by the person who scaled and graded the logs, and must certify that the requirements of this Maximum Price Regulation No. 161 have been complied with in the scaling and grading of the logs. A copy of this certified statement shall be furnished by the seller to the buyer, unless the statement was prepared solely by the buyer, in which case the buyer shall furnish a copy of such statement to the seller. In either case a copy of every such scale and grade statement shall be filed by the seller (or by the buyer, if the grade and scale statement was prepared solely by him) with the state office of the Office of Price Administration at Seattle,

¹ 7 FR. 4426, 5360.

Washington or Portland, Oregon within ten days of the date of the scaling or grading.

(c) Such persons designated in paragraphs (a) and (b) of this section shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require or permit.

§ 1381.157 *Petitions for amendment and adjustment.* (a) Persons seeking any modification of this Maximum Price Regulation No. 161 or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,² issued by the Office of Price Administration.

(b) *Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a contract with the United States or any agency thereof, or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States," or any agency of any such Government, or a subcontract under any such contract, who believes that the maximum price impedes or threatens to impede production of West Coast logs which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of the maximum prices established by this Maximum Price Regulation No. 161, in accordance with Procedural Regulation No. 6,² issued by the Office of Price Administration.

§ 1381.158 *Definitions.* (a) When used in this Maximum Price Regulation No. 161, the term: * * *

(10) The grades of Douglas fir, western red cedar, western hemlock, western white fir, noble fir, and Sitka spruce logs specified in Appendix A, § 1381.160, shall mean such grades as understood in the particular district on August 1, 1941; except the following two aircraft grades:

(i) "Aircraft grade western hemlock log" means a log which is selected from a suitable for peeling, No. 1, or No. 2 grade of western hemlock log and which:

(a) Is of high elevation timber (approximately 1200 ft. or higher), medium to light in weight;

(b) Is not less than 26 inches top diameter and not less than 12 feet long;

(c) Is of straight grain so that the majority of the clear lumber can be produced with a slope of grain not greater than 1 in 15;

(d) Is free of deep bark seams or other serious defects within the clear portion of the log;

(e) Has reasonably uniform annual rings, not fewer than 8 to the inch within the clear portion of the log.

(f) Is of a character which will produce at least 50 per cent No. 2 clear and better, or B and better clear lumber.

(ii) "Aircraft grade noble fir log" means a log which is selected from a suitable for peeling, No. 1, or No. 2 grade of noble fir log and which:

(a) Is not less than 26 inches top diameter and not less than 16 feet long;

(b) Is straight-grained so that the majority of the clear lumber can be produced with a slope of grain not greater than 1 in 15;

(c) If defects for which a scale deduction is made, are present, such defects are permitted provided the size and location thereof will not prevent the log from producing 50 per cent No. 2 clear and better or B and better lumber;

(d) Has reasonably uniform annual rings, not fewer than 8 to the inch and within the clear portion of the log; and

(e) Is free of deep bark seams or other serious defects within the clear portion of the log.

(13) "Delivered" includes:

(i) Logs boomed and rafted and prepared for towing when such logs are delivered to any towable waters;

(ii) Dumping in the mill-pond at the buyer's manufacturing plant where rafting is not required;

(iii) Loading on the railroad car or on any other transportation facility.

(14) "Log scale" means the merchantable lumber content of a log calculated according to the Revised Scribner Decimal C Log Rule or the Spaulding Log Rule: *Provided*, That when waste or defect is found in any log, a deduction in scale shall be made by the scaler which, in his judgment, will adequately and sufficiently eliminate the waste. If no waste or defect is found, such log shall be scaled at its full diameter inside the bark, and full length with necessary trim.

All deductions shall be made in inches in diameter, and feet in length. All original scale records shall show gross and net measurements in diameter and length, and designate the type of defect by appropriate symbols: *Provided*, That such original scale-record requirements shall not apply to

Douglas fir: Pee wee sawmill logs;

Western red cedar logs;

Western white fir: No. 2, No. 3, and camp run (ungraded) logs;

Noble fir: No. 2, No. 3, and camp run (ungraded) logs;

Western hemlock: No. 2, No. 3, and camp run (ungraded) logs;

Sitka spruce: No. 3 and camp run (ungraded) logs.

§ 1381.160 *Appendix A: Maximum delivered prices for West Coast logs—*

(a) * * *

(iii) WESTERN HEMLOCK

	Puget Sound district	Willapa Bay-Grays Harbor district	Columbia River district
Aircraft grade.....	\$35.00	\$35.00	\$35.00
Suitable for peeling.....	27.00	27.00	27.00
No. 1.....	23.00	23.00	23.00
No. 2.....	20.00	19.00	19.00
No. 3.....	17.00	16.00	16.00
Camp Run (ungraded).....	12.00	13.00	18.00

(iv) WESTERN WHITE FIR

	Puget Sound district	Willapa Bay-Grays Harbor district	Columbia River district
Suitable for peeling.....	\$27.00	\$25.00	\$28.00
No. 1.....	23.00	22.00	22.00
No. 2.....	20.00	19.00	19.00
No. 3.....	17.00	16.00	15.00
Camp Run (ungraded).....	12.00	13.00	18.00

(v) NOBLE FIR

	Puget Sound district	Willapa Bay-Grays Harbor district	Columbia River district
Aircraft grade.....	\$45.00	\$45.00	\$45.00
Suitable for peeling.....	35.00	35.00	35.00
No. 1.....	23.00	23.00	23.00
No. 2.....	20.00	19.00	19.00
No. 3.....	17.00	16.00	15.00
Camp Run (ungraded).....	12.00	13.00	18.00

(vi) DOUGLAS FIR SPECIAL LOGS

	Puget Sound district	Willapa Bay-Grays Harbor district	Columbia River district
Specially selected for chip mills, beams, and masts of lengths 55 ft. to 70 ft., inclusive (the addition for long lengths up to 70 ft. in subparagraph (2) of this section does not apply to these logs).....	\$40.00	\$40.00	\$40.00

(b) The maximum delivered prices per 1,000 ft. log scale for West Coast logs delivered at any other point than the waters named or the buyer's manufacturing plant shall be determined as follows: from the prices in paragraph (a) of this section, subtract the transportation costs which would have been applicable to the shipment had it moved from the logger's loading-out point to the waters of the particular district, then add actual transportation costs from logger's loading-out point to the actual destination specified by the purchaser: *Provided*, That regardless of the result of such computation, the prices shall in no event exceed the prices set forth in paragraph (a) of this section applicable to deliveries into the waters of Puget Sound, Willapa Bay and Grays Harbor, and the Columbia River.

² 7 F.R. 971, 3663.

² 7 F.R. 5037, 5664.

(c) The maximum delivered prices per 1,000 ft. log scale for West Coast logs delivered at any point in the Willamette Valley district shall be determined as follows:

From the prices set forth in paragraph (a) of this section for delivery in the Columbia River district, subtract the transportation costs which would have been applicable to the shipment had it moved from the logger's loading-out point to the Columbia River district, then add actual transportation costs from logger's loading-out point to the actual destination specified by the purchaser: *Provided*, That regardless of the result of such computation, the prices for the Willamette Valley district shall in no event exceed the prices set forth in paragraph (a) of this section for delivery in the Columbia River district. *And provided*, That if such computation results in a maximum price which is \$3.50 or more below the Columbia River district price the maximum price shall be a price \$3.50 below the Columbia River district price.

(e) The following additions may be made by any seller to the maximum price of any West Coast logs produced by any company whose entire logging operation is operated the following number of hours per week in actual production:

Hours of operation:	Addition per M ft. l. s.
48 to 53 hrs-----	\$1.00
54 to 59 hrs-----	1.50
60 hrs. or more-----	2.00

This addition is subject to all of the following conditions and provisions:

(1) Any person intending to claim the overtime addition must first file a certified statement with the Office of Price Administration, Washington, D. C., that the company regularly maintains the required number of hours in all its logging operations. If the certificate is approved, the company's name and permissible addition will be published in the Federal Register; and thereafter, such addition may be made to the maximum price of all logs produced by such company, until the status of the company as an overtime company is terminated by a similar publication in the Federal Register.

(2) Not later than the 5th of October, 1942, and the 5th of every month thereafter in which the overtime addition is claimed, the company must file a certified statement with the Office of Price Administration, Washington, D. C., containing the following:

(i) A statement that the required hours prevailed during the preceding month;

(ii) The company's production figures for the month;

(iii) The amount of logs sold during the month on which the overtime addition was claimed.

(3) The requirement relating to weekly hours of production will be considered satisfied if at the end of each monthly reporting period set forth in subparagraph (2) above the average weekly hours are equal to or above the

required number of hours; that is, if the total number of hours for the period divided by the number of weeks or fractions thereof in the period results in a figure equal to or above the required number of weekly hours.

(4) The overtime addition must be shown as a separate charge on all invoices, and labeled "Overtime Addition." The invoice must further show the name and address of the company producing the logs. Copies of such invoices shall be preserved by the company and shall, if required, be submitted to the Office of Price Administration.

(5) The overtime addition is not limited to logs produced after the publication of the company's name as an overtime company, but may be added to the maximum price of any logs sold or delivered after the effective date of the amendment, whether such logs were already in inventory or not.

(6) Only the hours devoted to actual log production may be counted for purposes of this section. Actual log production does not include such operations as maintenance and repair work, road building, and similar operations incidental to logging.

(7) The company's name will be published as an overtime company only if every camp and logging side operated by that company is maintaining the required number of hours. Upon petition, however, the Office of Price Administration may by order make special provision for a company which shows that it is in good faith attempting to conduct all its operations on a regular overtime basis, but due to special circumstances one or more of its camps or sides is unable to maintain the overtime basis.

(8) Upon petition, the Office of Price Administration may by order grant exceptions from the strict requirements of this paragraph (e) where a company which has previously had its name published as an overtime company, and which is in good faith attempting to operate on a regular overtime basis, finds that in a particular month it is impossible to meet the requirements of this paragraph (e) due to weather conditions or other circumstances beyond its control. A petition in such case must show not that his regular overtime operation would have been inconvenient or costly by peacetime standards, but that it was impossible in the light of the standards of operation demanded by wartime conditions and in the light of the critical lumber requirements of the military services.

§ 1381.159a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1381.155, 1381.157, 1381.158, 1381.159a, and 1381.160) shall become effective September 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3 day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8720; Filed, September 3, 1942; 11:53 a. m.]

PART 1389—APPAREL

[Amendment 2 to Maximum Price Regulation 153 as Amended 1]

WOMEN'S, GIRLS' AND CHILDREN'S OUTERWEAR GARMENTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1389.8, in paragraph (b), subparagraph (2) is amended; in § 1389.11, a new paragraph (c) is added, as set forth below:

§ 1389.8 *Records.* * * *

(b) * * *

(2) Prepare, on or before September 15, 1942, on the basis of all available information and records, and thereafter keep and make available for examination by, and upon demand file with the Office of Price Administration a statement showing:

(i) The cost price lines and the corresponding selling prices at which he delivered women's, girls' and children's outerwear garments in each category during his last selling season;

(ii) The selling prices at which he delivered the largest number of units for each cost price line of garments in each category during his last selling season;

* * *

§ 1389.11 *Effective dates of amendments.* * * *

(c) Amendment No. 2 (§§ 1389.8 (b) (2) and 1389.11 (c)) to Maximum Price Regulation No. 153, as amended, shall become effective September 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8728; Filed, September 3, 1942; 11:58 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 15 to Maximum Price Regulation 136, as Amended 2]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1390.33 is amended by the addition of a new item; in § 1390.34 the item "hand tools" is amended; and new paragraph (c) is added to § 1390.31a, as set forth below:

§ 1390.33 *Appendix B: Machines and parts to which the March 31, 1942 date is applicable.* * * *

* Copies may be obtained from the Office of Price Administration.

17 F. R. 4381, 5869.

17 F. R. 5047, 5362, 5665, 6682, 6899, 6937, 6964, 6973.

(c) *Miscellaneous:* * * *

Hand-operated tools, especially designed for manufacture, repair, or maintenance of aircraft, military vehicles or other predominantly military equipment.

§ 1390.34 *Appendix C: Illustrative list of products not covered by Maximum Price Regulation No. 136.* * * *

Hand tools, except those specially designed for manufacture, repair, and maintenance of aircraft, military vehicles or other predominantly military equipment.

§ 1390.31a *Effective dates of amendments.* * * *

(c) Amendment No. 15 (§§ 1390.33 (c) and 1390.34) to Maximum Price Regulation No. 136, as amended, shall become effective September 9, 1942.

(Pub. Law No. 421, 77th Cong.)

Issued this 3d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8727; Filed, September 3, 1942; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 24 to Supplementary Regulation 1¹ to General Maximum Price Regulation²]

CERTAIN OBSOLETE ELECTROTYPE PLATES

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (32) is added to § 1499.26 (a) as set forth below:

§ 1499.26 *Exceptions for certain commodities, certain sales and deliveries.* (a) General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

(32) Electrotypes plates which are obsolete by reason of the time limitations of War Production Board Order M-99 or which may become obsolete within the definition of War Production Board Order M-99, and backing metal, composed of approximately 94% lead, 3% tin and 3% antimony obtained from these electrotypes plates, sold by purchasers of the electrotypes plates to the National Lead Company, acting as agent for the Metals Reserve Company.

(c) *Effective dates.* * * *

(25) Amendment No. 24 (§ 1499.26 (a) (32)) to Supplementary Regulation

*Copies may be obtained from the Office of Price Administration.

¹ 7 F. R. 3153, 3488, 4183, 3892, 4410, 4428, 4487, 4428, 4487, 4488, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082.

² 7 F. R. 3153, 3330, 3666, 3930, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5775, 5784, 5783, 6058, 6081.

No. 175—4

No. 1 shall become effective September 9, 1942.

(Pub. Law No. 421, 77th Cong.)

Issued this 3d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8730; Filed, September 3, 1942; 11:55 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 16 to Supplementary Regulation 14¹ of the General Maximum Price Regulation²]

HOLIDAY CANDY

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (16) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.*

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(16) *Holiday candy.* * * *

(i) *Sales by manufacturers.* (a) The manufacturer's maximum price for holiday candy to each class of purchasers shall be his cost of ingredients, packaging material, and direct labor, computed at March replacement prices, plus an average dollar and cents margin, as herein defined, obtained by the manufacturer between April 1, 1941 and March 31, 1942 on sales of holiday candy of the same or the most nearly similar kind, sold to a purchaser of the same class.

(b) In those cases in which the manufacturer did not deal in the same or similar kind of holiday candy between April 1, 1941 and March 31, 1942, the maximum price to each class of purchasers shall be the maximum price of the most closely competitive manufacturer of the same class for the same or the most nearly similar kind of holiday candy sold to a purchaser of the same class.

(ii) *Filing.* Before making any sales of holiday candy, each manufacturer shall file with the Office of Price Administration in Washington, D. C. (a) a list of his maximum prices for each class of purchasers; (b) a detailed description of the candy for identification; (c) a full explanation of the manner in which his maximum prices were determined in ac-

¹ F. R. 5488, 5709.

² 7 F. R. 3153, 3330, 3666, 3930, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6073, 6081, 6216.

cordance with (a) or (b) of subdivision (i). If maximum prices have been determined under subdivision (a), actual figures, breaking down all component costs, i.e. ingredients, packaging material, and direct labor, shall be submitted in affidavit form.

(iii) *Definitions.* (a) For the purpose of this subparagraph (16), "holiday candy" is any candy which is manufactured and marketed specifically for such holidays or festivals as the following: St. Valentine's Day, Washington's Birthday, St. Patrick's Day, Easter, Mother's Day, Fourth of July, Halloween, Thanksgiving, and Christmas, and the form, color, or style of which definitely identifies it with the particular holiday or festival to the extent that such candies cannot readily be sold after the special occasion for which they were made.

(b) The manufacturer's cost of ingredients and packaging material "computed at March replacement prices" shall be prices no higher than the highest prices charged to a purchaser of the same class by the manufacturer's usual suppliers during March 1942 for such ingredients or packaging material, or, if no charge was made for such ingredients or packaging material by the manufacturer's usual suppliers, then "March replacement prices" shall be prices no higher than the highest prices charged during March to a purchaser of the same class by a seller of the same class as the manufacturer's usual suppliers. Direct labor "computed at March replacement prices" shall be calculated at the rate of remuneration paid by the manufacturer to his employees engaged directly in the manufacture of the same or the most nearly similar kind of candy during March 1942.

(c) "Average dollar and cents margin" of the manufacturer shall be determined by computing, for the period from April 1, 1941, to March 31, 1942, the difference between his average selling price and the average cost of ingredients, packaging material and direct labor used in the manufacture of holiday candy. "Average selling prices" and "average cost" as used in this definition shall be an average weighted by the volume of units sold or purchased.

(d) All other terms used in this subparagraph (16) shall have the meaning given them by the General Maximum Price Regulation.

(iv) *Adjustment of maximum prices.* Any price determined pursuant to this subparagraph (16) shall be subject to adjustment at any time by the Office of Price Administration.

(v) *Applicability.* The provisions of this subparagraph (16) shall be applicable to the 48 states of the United States and the District of Columbia.

(b) *Effective dates.* * * *

(17) Amendment No. (16) (§ 1499.73 (a) (16)) to Supplementary Regulation

No. 14 shall become effective September 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8732; Filed, September 3, 1942;
11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 17 to Supplementary Regulation 14¹ of the General Maximum Price Regulation²]

CHOCOLATE COVERED CHERRIES

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (17) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(17) *Chocolate covered cherries.* * * *

(i) *Sales by manufacturers.* (a) The manufacturer's maximum price for chocolate covered cherries to each class of purchasers shall be his cost of ingredients, packaging material and direct labor, computed at March replacement prices, plus an average dollar and cents margin, as herein defined, obtained by the manufacturer between April 1, 1941 and March 31, 1942 on sales of chocolate covered cherries of the same or the most nearly similar kind, sold to a purchaser of the same class: *Provided*, That in the case of fresh cherries, the manufacturer shall use for purposes of calculating his cost, the actual cost to him of such ingredient.

(b) In those cases in which the manufacturer did not deal in the same or similar kind of chocolate covered cherries between April 1, 1941 and March 31, 1942, the maximum price to each class of purchasers shall be the maximum price of the most closely competitive manufacturer of the same class for the same or the most nearly similar kind of chocolate covered cherries sold to a purchaser of the same class.

(ii) *Filing.* Before making any sales of chocolate covered cherries, each man-

ufacturer shall file with the Office of Price Administration in Washington, D. C. a list of his maximum prices for such chocolate covered cherries to each class of purchasers, together with a full explanation of the manner in which these prices were computed as prescribed in (a) or (b) of subdivision (i). If maximum prices have been determined under subdivision (a), actual figures, breaking down all component costs, i. e. ingredients, packaging material and direct labor, shall be submitted in affidavit form.

(iii) *Definitions.* (a) The manufacturer's cost of ingredients and packaging material "computed at March replacement prices" shall be prices no higher than the highest prices charged to a purchaser of the same class by the manufacturer's usual suppliers during March 1942 for such ingredients and packaging material, or, if no charge was made for such ingredients or packaging material by the manufacturer's usual suppliers, then "March replacement prices" shall be prices no higher than the highest prices charged to a purchaser of the same class by a seller of the same class as the manufacturer's usual suppliers. Direct labor "computed at March replacement prices" shall be calculated at the rate of remuneration paid by the manufacturer to his employees engaged directly in the manufacture of the same or the most nearly similar kind of candy during March 1942.

(b) "Average dollar and cents margin" of the manufacturer shall be determined by computing for the period from April 1, 1941 to March 31, 1942, the difference between his average selling price and the average cost of ingredients, packaging material and direct labor used in the manufacture of chocolate covered cherries. "Average selling price" and "average cost" as used in this definition shall be an average weighted by the volume of units sold or purchased.

(c) All other terms used in this subparagraph (17) shall have the meaning given them by the General Maximum Price Regulation.

(iv) *Adjustment of maximum prices.* Any price determined pursuant to this subparagraph (17) shall be subject to adjustment at any time by the Office of Price Administration.

(v) *Applicability.* The provisions of this subparagraph (17) shall be applicable to the 48 states of the United States and the District of Columbia.

(b) *Effective dates* * * *

(18) Amendment No. (17) (§ 1499.73 (a) (17)) to Supplementary Regulation No. 14 shall become effective September 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8731; Filed, September 3, 1942;
11:55 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation²—Order 63]

FOOD CONCENTRATES INC.—HILLS BROTHERS CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.277 *Approval of maximum price for sale of molasses powder manufactured from blended molasses by Food Concentrates, Inc., to The Hills Brothers Company.* (a) On and after August 3, 1942, Food Concentrates, Inc., 1 Federal Street, Boston, Massachusetts, may sell and deliver to the Hills Brothers Company, 110 Washington Street, New York, N. Y., the molasses powder manufactured by it from blended molasses described in its application of July 31, 1942 at a price no higher than ten and one-quarter (10¼) cents per pound f. o. b. railroad cars Rahway, New Jersey.

(b) This Order No. 63 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 63 (§ 1499.277) shall become effective September 4, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8729; Filed, September 3, 1942;
11:57 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 32 under § 1499.18 (c) of the General Maximum Price Regulation—Docket GF 8-480]

HARRY A. BLADES, TRUCKMAN

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.382 *Adjustment of maximum prices for contract carrier services sold by Harry A. Blades, Truckman.* (a) Harry A. Blades, Truckman, may sell and deliver, and any person may buy and receive from Harry A. Blades, Truckman, contract carrier services at prices no higher than those described and set forth in the following schedules of minimum rates issued by Harry A. Blades, whichever is applicable:

Interstate Commerce Commission MF ICC No. 15, together with Supplement 1 thereto; New York Public Service Commission PSC NY MT No. 3; Pennsylvania Public Utilities Commission PA PUC No.

*Copies may be obtained from the Office of Price Administration.

¹ 7 F. R. 5488, 5709.

² 7 F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4783, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5776, 5783, 5784, 6007, 6058, 6081, 6216.

3; Pennsylvania Public Utilities Commission PA PUC No. 4.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 32 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 32 (§ 1499.382) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 32 (§ 1499.382) shall become effective September 4, 1942. (Pub. Law No. 421, 77th Congress.)

Issued this 3d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8721; Filed, September 3, 1942;
11:54 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 31 Under § 1499.18 (c) of the General
Maximum Price Regulation—Docket GF3-
1440]

CAMPBELL SOUP COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.381 *Adjustment of maximum prices for animal tankage consisting of fat-bearing and oil-bearing waste materials sold by The Campbell Soup Company:*

(a) The Campbell Soup Company, of Camden, New Jersey, may sell and deliver, and any person may buy and receive from the Campbell Soup Company the following commodities at prices not higher than those set forth below:

(1) Animal tankage, consisting of fat-bearing and oil-bearing waste materials, f. o. b. Camden, New Jersey, \$14.00 per ton.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 31 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 31 (§ 1499.381) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 31 (§ 1499.381) shall become effective September 4, 1942. (Pub. Law No. 421, 77th Cong.)

Issued this 3d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8719; Filed, September 3, 1942;
11:53 a. m.]

Chapter XV—Board of War
Communications

[Order No. 18]

PART 1714—INTERNATIONAL RADIOTELEPHONE COMMUNICATIONS

TERMINATION OF CERTAIN SERVICES

Whereas, The Board of War Communications has determined to postpone the

effective date of § 1714.2 of its Order No. 17, dated August 13, 1942,¹ for a period of one month;

Now, therefore, By virtue of the authority vested in the Board by Executive Order No. 8964² dated December 10, 1941, the Board's Order No. 17, dated August 13, 1942, is hereby amended to read as follows:

It is hereby ordered as follows:

§ 1714.1 *Termination of Certain International Radiotelephone Communications.* (a) From and after the date hereof, no non-governmental business or personal radiotelephone call shall be made to or from any foreign point outside of the Western Hemisphere except England, unless such call is made in the interest of the United States or the United Nations and unless an agency of the United States Government sponsors such call and obtains prior approval therefor from the Office of Censorship: *Provided, however,* That this provision shall not apply to American press calls or radio broadcast programs, or to such other press calls and radio programs as may be specifically approved by the Office of Censorship.

(b) No calls of any nature, over the radiotelephone circuits under the jurisdiction of the United States, no matter where such calls may originate, unless sponsored and approved as provided in paragraph (a), shall be permitted to, from, or on behalf of, the following thirteen countries: Egypt, Finland, France, Iceland, Iran, Ireland, Latvia, Lithuania, Portugal, Spain, Sweden, Switzerland, and Turkey.

(c) Personal calls other than those prohibited in the foregoing paragraphs may be completed between two points in the Western Hemisphere.

§ 1714.2 *Closure of non-governmental point-to-point circuits between the United States and Australia.* All non-governmental point-to-point radiotelephone service between the United States and Australia be, and it is hereby, designated for termination and, effective midnight September 30, 1942, is terminated, except as to the transmission of duly authorized radiobroadcast programs.

Subject to such further order as the Board may deem appropriate.

Nothing herein shall apply to existing regulations governing the use of cable, telegraph or radiotelegraph communications,

(E.O. 8964, 6 F.R. 6367)

BOARD OF WAR COMMUNICATIONS.

DAWSON OLMIESTAD,

Acting Chairman, Major General, Chief Signal Officer of the Army.

Attest: August 27, 1942.

HERBERT E. GASTON,
Secretary

[F. R. Doc. 42-8716; Filed, September 3, 1942;
11:52 a. m.]

¹7 F.R. 6660.

²6 F.R. 6367.

Chapter XVII—Office of Civilian Defense
[Regulations No. 2, Amendment 4 to Supplementary Order 2]

PART 1902—INSIGNIA

SPECIFICATIONS FOR AND MANNER OF WEAR
AND USE OF OFFICIAL ARTICLES

AUTOMOBILE STICKERS AND PLATES

By virtue of the authority vested in me by Executive Order No. 8757 dated May 20, 1941, as amended by Executive Order No. 9134 dated April 15, 1942, and by Executive Order No. 9088 dated March 6, 1942, and pursuant to § 1902.2 of this chapter (section 2 of Office of Civilian Defense Regulations No. 2), the Director of Civilian Defense hereby amends § 1902.54 of this chapter (section 4 of Supplementary Order No. 2 to Office of Civilian Defense Regulations No. 2) by adding paragraph (g), which designates additional official articles for the United States Citizens Service Corps, as follows:

§ 1902.54 *Official articles for the United States Citizens Service Corps:*

(g) *Automobile stickers and plates.* The prescribed insignia may be included on automobile stickers and plates. Automobile stickers and plates shall be in a circular shape, from 4 inches to 11 inches in diameter, or in a rectangular shape no larger than 6 inches by 12 inches. Automobile stickers and plates may be placed on any truck, automobile or other vehicle and may be used only subject to compliance with appropriate state and local laws, ordinances or regulations applicable to windshield or vehicle stickers and plates. (E.O. 8757, 6 F.R. 2517; E.O. 9033, 7 F.R. 1775; E.O. 9134, 7 F.R. 2837)

[SEAL] JAMES M. LANDIS,
Director of Civilian Defense.

SEPTEMBER 2, 1942.

[F. R. Doc. 42-8652; Filed, September 2, 1942;
4:47 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

EXCEPTION TO WALSH-HEALY PUBLIC
CONTRACTS ACT

PURCHASE OF CERTAIN EXPORT COMMODITIES
ORDER GRANTING EXCEPTIONS

In the matter of an exception from the provisions of section 1 (a) of the Walsh-Healy Public Contracts Act to permit the purchase of certain export commodities.

Whereas, the Secretary of the Treasury has made a written finding that the inclusion in contracts between the United States and foreign governments or the representatives thereof and with the custodians of or the holders of the title documents to materials, the exportation of which has been prohibited or curtailed pursuant to the Act of July 2, 1940, 54 Stat. 714 (U.S.C. 1940 ed. Title 50, Appendix, sec. 701) of the representation and stipulation that the contractor is the manufacturer of or a regular dealer in the materials, supplies, articles or equipment to be manufactured or used in the performance of the contract, which is re-

¹7 F.R. 4275, 6776.

quired by section 1 (a) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, U. S. Code, Title 41, Sup. III, 35) will seriously impair the conduct of Government business; and

Whereas, the Secretary of the Treasury has requested that an exception be granted under section 6 of the Walsh-Healey Public Contracts Act permitting the award of such contracts without the inclusion of such representation and stipulation; and

Whereas, it appears from the findings of the Secretary of the Treasury that the materials to be supplied under such contracts have been manufactured in the United States, were purchased for export to a foreign country, but have not been exported because of existing conditions in the foreign country of export which have been brought about by the war or because of the action taken pursuant to the aforesaid Act of July 2, 1940, and that in most cases the parties to the contract with the United States cannot make the representation and stipulation required by section 1 (a) of the Walsh-Healey Public Contracts Act; and

Whereas, I find that justice and the public interest will be served by granting the request of the Secretary of the Treasury;

Now, therefore, I do hereby grant an exception from this date, pursuant to the powers vested in me by section 6 of the Walsh-Healey Public Contracts Act, from the requirement of section 1 (a) of the Act that there shall be included in any contract subject to the Act the representation and stipulation that the contractor is the manufacturer or a regular dealer in the materials, supplies, articles or equipment to be manufactured or used in the performance of the contract, with respect to any contract with a foreign government or its representative for the purchase of materials which have been purchased for export to a foreign country but which have not been exported because of existing conditions due to the war in the foreign country of export and with respect to any contract with the custodians of or the holders of title documents to materials purchased for export but which have not been exported because their exportation has been prohibited or curtailed pursuant to the aforesaid Act of July 2, 1940, and I do specifically except Contract No. DA-TPS-10600, awarded to the Netherlands Purchasing Commission June 6, 1942, from the necessity of including such representation and stipulation.

Dated: September 2, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-8685; Filed, September 3, 1942; 11:34 a. m.]

TITLE 46—SHIPPING Chapter IV—War Shipping Administration

[General Order 8, Supp. 5]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERE TO

EXCEPTION OF VESSELS FROM APPLICATION OF CERTAIN RATES

Basis for the determination of Time Charter Hire under Charter Parties tendered by the War Shipping Administration to owners of American Flag vessels engaged in the coastwise transportation of coal and chartered or requisitioned for use pursuant to the Provisions of Section 902 of the Merchant Marine Act, 1936, as amended.

Sec.

302.63 Exception of certain vessels from application of rates under subparagraph (i) of § 302.12.

302.64 Basic rates.

302.65 Deadweight determination.

302.66 Excluded vessels.

302.67 Basic terms and conditions.

AUTHORITY: §§ 302.63 to 302.67, inclusive, issued under E.O. 9054, 7 F.R. 837.

§ 302.63 *Exception of certain vessels from application of rates under subparagraph (i) of § 302.12.*¹ Pursuant to subparagraph (i) of § 302.12 dated June 15, 1942, I hereby except from the application of the said order colliers and vessels engaged in the coastwise transportation of coal. If at the direction of the War Shipping Administration any such vessels are placed in another trade, the said vessels shall be subject to the terms of General Order No. 8 (Revised) so long as they continue in such other trade.

§ 302.64 *Basic rates.* Effective as of the date of delivery of the vessel to the War Shipping Administration under requisition, the charter rates on all vessels engaged in the coastwise transportation of coal, except excluded vessels referred to in section 4 hereof, shall be as follows:

(a)

	Per DWT per month
8,000 DWT and up	\$3.85
7,000 to 7,999	4.10
6,000 to 6,999	4.40
5,000 to 5,999	4.75
4,000 to 4,999	5.15

Provided, That no vessel shall receive more aggregate charter hire (including adjustments) than a vessel of the same kind of the lowest tonnage in the next higher class can receive at the rate (with corresponding adjustments) shown for its class.

¹ 7 F.R. 4592, 6543.

(b) *Adjustments for speed.* Vessels with a speed in excess of 10½ knots, as determined pursuant to §§ 302.44 to 302.46, inclusive, shall receive an additional sum of 10¢ per dwt per month for each knot or major fraction (including one-half) thereof over 10½ knots. Speed added to the vessel at the cost of the United States shall be ignored for the purpose of this determination; subject to this, a certificate of speed, as computed in accordance with §§ 302.44 to 302.46, given by the American Bureau of Shipping in satisfactory form shall constitute proof of the vessel's speed.

(c) *Adjustments for arming and degaussing.* Time lost in partially or entirely arming, degaussing, or demagnetizing any vessel at any time prior to delivery to the Government and not previously compensated for by the Government shall be compensated for under the charter tendered pursuant to this order. Such compensation shall be computed on the basis of the applicable time charter rate established by this order and shall constitute additional charter hire earned upon delivery and acceptance of the vessel under any charter tendered hereunder. Time lost shall be determined in accordance with regulations hereinafter determined by the Administrator.

(d) *Adjustments for War Risk insurance and bonuses.* War risk insurance on vessels and crew war risk bonuses as well as marine insurance occasioned by trading beyond the Institute Warranties shall be for the account of the charterer in accordance with the provisions of standard form of time charter agreement designated WARSHIPTIME Form No. 101, § 302.50.

(e) *Adjustments for motorships.* Vessels with Diesel engine propulsion shall receive an additional sum of 35¢ per dwt per month.

(f) *Adjustments for age of vessels not built under construction—Differential subsidy agreements.* Vessels constructed in the United States subsequent to 1928 shall receive an additional sum per dwt per month computed in accordance with the following schedule:

Year of construction:	Additional premium per DWT per month
1929	\$0.05
1930	.10
1931	.16
1932	.20
1933	.25
1934	.30
1935	.35
1936	.40
1937	.45
1938	.50
1939	.55
1940	.60
1941 and subsequent years	1.65

¹ Minimum.

The date of delivery by the shipbuilder shall constitute the date of construction hereunder. Upon application, consideration will be given to the allowance of a greater adjustment under this subsection for vessels delivered in 1941 and thereafter.

(g) *Adjustment for vessels not classed.* The rates of time charter hire on vessels not classed A-1 American Bureau or equivalent shall be \$.25 per deadweight ton per month less in each instance than the appropriate rate applicable to a comparable vessel which is so classed.

§ 302.65 *Deadweight determination.* Deadweight capacity is to be established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1930. Deadweight shall be calculated exclusive of weight added by installation of refrigerated cargo capacity, arming, degaussing, demagnetizing, or the installation of splinter-protection equipment or because of ice-strengthening, or other installation or equipment required by the Administrator, the United States Maritime Commission, the Army, or the Navy, Certificate of deadweight, in satisfactory form, by American Bureau of Shipping shall constitute sufficient proof of deadweight capacity.

§ 302.66 *Excluded vessels.* This order shall not apply to colliers of less than 8 knots of speed, determined in accordance with §§ 302.44 to 302.46 inclusive, or to colliers which are otherwise specifically excluded from this supplement from time to time by the Administrator. Charter rates for such excluded vessels shall be established by supplements hereto or by other appropriate action on the part of the Administrator and such rates shall become effective as of the time fixed by the Administrator in each case.

§ 302.67 *Basic terms and conditions.* The rates and adjustments herein prescribed are based upon the standard form of time charter agreement approved by the War Shipping Administrator and designated WARSHIPTIME Form No. 101, § 302.50. Such additions and modifications shall be made in Part I of the said charter agreement as may be necessary to make it conform with the terms of this supplement and to provide for special conditions affecting vessels engaged in the coastwise transportation of coal.

By Order of the War Shipping Administrator.

[SEAL]

W. C. PEET, Jr.,
Secretary.

SEPTEMBER 1, 1942.

[F. R. Doc. 42-8656; Filed, September 3, 1942;
10:18 a. m.]

[General Order 9, Supp. 3]

PART 302—CONTRACTS WITH VESSEL
OWNERS AND RATES OF COMPENSATION
RELATING THERETO

EXCEPTIONS FROM CERTAIN INSURANCE
VALUATIONS

§ 302.68 *Exceptions of certain vessels from insurance valuations under sub-*

paragraph (i) of § 302.28.¹ Pursuant to sub-paragraph (i) of Section 302.28, dated May 14, 1942, there shall be excepted from the application of the said order colliers and vessels engaged in the coastwise transportation of coal. The insurance valuations for such excluded vessels shall be determined individually by the Administrator upon consideration of all relevant facts. (E.O. 4054, 7 F.R. 837)

By Order of the War Shipping Administrator.

[SEAL]

W. C. PEET, Jr.,
Secretary.

SEPTEMBER 1, 1942.

[F. R. Doc. 42-8657; Filed, September 3, 1942;
10:18 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1562]

DISTRICT BOARD NO. 17

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 17 for revision of the effective minimum prices for coals produced and shipped by rail from mines in Subdistricts Nos. 11, 12, 15 and 16 in District No. 17 to destinations in Market Area 203.

The original petition in the above-entitled matter, filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests that the Schedule of Effective Minimum Prices for District No. 17 For All Shipments be amended to permit producers in Subdistricts 11, 12, 15 and 16 of District No. 17 to absorb, with certain limitations, the difference in freight rate over the freight rate from Subdistrict No. 4—Oak Hills on rail shipments of coal to destinations in Market Area 203.

The Schedule of Effective Minimum Prices for District No. 17 for all shipments presently provides that, with certain limitations, the minimum f. o. b. mine prices for coals produced in the above-numbered subdistricts and shipped by rail to Market Areas 200 through 202 and 204 through 207, as well as to several other market areas, shall be reduced by the exact amount of the difference in freight rate over the freight rate from Subdistrict No. 4—Oak Hills.

Petitioner alleges that in proposing the minimum price schedule for District No. 17 coals, provisions for freight rate absorptions for the coals of Subdistricts Nos. 11, 12, 15 and 16 for rail shipments to Market Area No. 203 were inadvertently omitted; that such omission must be remedied in order to accord to the coals of these subdistricts the same privileges for shipment by rail to Market Area 203, as are now provided for ship-

ments to Market Areas 200 through 202; and that the relief requested by petitioner is necessary in order to maintain a proper relationship between District 17 coals, to preserve the coordinated minimum prices and the fair competitive opportunities of those coals in conformance with the standards of section 4 II (a) and (b) of the Bituminous Coal Act of 1937.

The original petition in this matter does not contain facts sufficient to warrant the granting of the permanent relief requested by petitioner without a hearing.

It does appear, however, that a reasonable showing of necessity has been made for the granting of temporary relief and that, pending final disposition of the original petition herein, the minimum prices for coals produced and shipped by rail from mines in Subdistricts Nos. 11, 12, 15 and 16 in District No. 17 to destinations in Market Area 203 should be reduced in the manner, and to the extent, hereinafter set forth.

Now, therefore, it is ordered, That a hearing in Docket No. A-1562 under the applicable provisions of said Act and the rules and regulations of the Division be held on October 5, 1942, in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer or officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to continue said hearing from time to time and to prepare and submit proposed findings of fact and proposed conclusions of law and a recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act, set forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 30, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary

¹ 7 F.R. 3679, 6545.

[Docket No. B-24]

ALBUQUERQUE AND CERRILLOS COAL CO.

ORDER ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER AND CEASE AND DESIST ORDER

In the matter of Albuquerque and Cerrillos Coal Company, code member.

A complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on June 30, 1941, by Bituminous Coal Producers Board for District No. 18, alleging that Albuquerque and Cerrillos Coal Company, a code member in District No. 18, has wilfully violated the provisions of the Bituminous Coal Code or the rules and regulations thereunder, and praying that the Division either cancel or revoke code member's code membership, or in its discretion direct code member to cease and desist from violation of the Code and the rules and regulations thereunder;

A hearing having been held before Scott A. Dahlquist, a duly designated examiner of the Division, at a hearing room thereof at Albuquerque, New Mexico, on December 5, 1941;

The examiner having made and entered his report, proposed findings of fact, proposed conclusions of law and recommendation in the matter, dated July 13, 1942, finding that the entry of $1\frac{1}{4}'' \times \frac{3}{8}''$ as the dimensional size of pea coal on the sales tickets and spot orders was the result of a clerical error and that code member did not violate section 4 II (e) by selling this size coal below the effective minimum price therefor, and finding that code member did wilfully violate Rule 1 (F) of section VII of the Marketing Rules and Regulations by selling a substantial tonnage of coal during the period, November 14, 1940, to February 20, 1941, and accepting scrip in full payment thereof and recommending that an order be entered directing code member and those acting in its behalf to cease and desist from violating Rule 1 (F) of section VII of the Marketing Rules and Regulations;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no exceptions or supporting briefs having been filed, the undersigned having determined after consideration of the record that the proposed findings of fact and proposed conclusions of law of the examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the examiner be and the same hereby are approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That code member, Albuquerque and Cerrillos Coal Company, its representatives, agents, servants, employees, attorneys, successors or assigns, and all persons acting or claiming to act in its behalf or interest, cease and desist, and they are hereby permanently enjoined and restrained

from selling or offering to sell coal and accepting in payment thereof scrip and from otherwise violating the Marketing Rules and Regulations, the Bituminous Coal Act of 1937 and the Bituminous Coal Code.

It is further ordered, That code member be notified that if code member fails or refuses to comply with this order, the Division may forthwith apply to the Circuit Court of Appeals of the United States for the circuit wherein code member does business or take any other appropriate action for the enforcement of this order.

Dated: September 2, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-8681; Filed, September 3, 1942;
11:29 a. m.]

[Docket No. 821-FD]

BELLEVILLE FUELS, INC.

MEMORANDUM OPINION AND ORDER GRANTING PERMISSION TO AMEND CONTRACTS

In the matter of the application of Belleville Fuels, Incorporated, for provisional approval as a marketing agency.

Belleville Fuels, Incorporated, which was given provisional approval as a "marketing agency" by an order dated January 9, 1940, pursuant to section 12 of the Bituminous Coal Act of 1937, has filed a petition for leave to amend its producer and sub-agency contracts, in order to permit payment of commissions to the sub-agent where contracts for the sale of coal are made directly by the selling agent, to read as follows:

PRODUCER CONTRACT

Ninth:

(b) Where the Producer appoints a Sub-Agent for the sale of its coal, the commission shall be One Cent (1¢) per ton to the Selling Agent and _____ percent (____%) to the Sub-Agent: *Provided*, That where Selling Agent shall, with the consent of the Sub-Agent, enter into direct contracts with consumers, commissions shall be paid to the Sub-Agent as herein set forth.

SUB-AGENCY CONTRACT

SECTION 6.

(a) Where Sub-Agent, or the Selling Agent, with consent of the Sub-Agent, sells the coal directly, the commission shall be _____ percent (____%) to the Sub-Agent.

After consideration of applicant's request to amend its producers' and sub-agents' contracts, to which there has been no opposition, I am of the opinion that this request should be granted.

Now, therefore, it is ordered, That applicant be, and it is hereby, granted permission to amend clause Ninth (b) of its producer contracts and section 6 (a) of its sub-agency contracts to read as set forth above.

Dated September 2, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-8679; Filed, September 3, 1942;
11:29 a. m.]

corollaries to the relief, if any, granted on the basis of the original petition.

The matter concerned herewith is in regard to the petition of the District Board No. 17 for revision of the effective minimum prices for coals produced, and shipped by rail, from mines in Subdistricts Nos. 11, 12, 15 and 16 in District No. 17 to destinations in Market Area 203, as follows:

(1) The effective minimum prices for coals in Size Group Nos. 1 through 9, produced and shipped by rail from mines in Subdistricts Nos. 11, 15 and 16 in District No. 17 to destinations in Market Area 203 shall be reduced by the exact amount of the difference in freight rate over the freight rate from Subdistrict No. 4—Oak Hills: *Provided, however*, That in no case shall such reductions exceed \$1.00 per net ton.

(2) The effective minimum prices for coals in Size Group Nos. 1 through 13 produced and shipped by rail from mines in Subdistrict No. 12 in District No. 17 to destinations in Market Area 203 shall be reduced by the exact amount of the difference in freight rate over the freight rate from Subdistrict No. 4—Oak Hills: *Provided, however*, That in no case shall such reductions exceed \$1.25 per net ton for coals in Size Groups Nos. 1 through 9, and shall not exceed 50 cents per net ton for coals in Size Groups Nos. 10 through 13.

It is ordered, That, pending final disposition of this matter, temporary relief is granted as follows: (1) Commencing forthwith the effective minimum prices for coals in Size Groups Nos. 1 through 9, produced and shipped by rail from mines in Subdistrict Nos. 11, 15 and 16, in District No. 17 to destinations in Market Area 203, shall be reduced by the exact amount of the difference in freight rate over the freight rate from Subdistrict No. 4—Oak Hills: *Provided, however*, That in no case shall such reductions exceed \$1.00 per net ton;

(2) Commencing forthwith the effective minimum prices for coals, in Size Group Nos. 1 through 13, produced and shipped by rail from mines in Subdistrict No. 12 in District No. 17 to destinations in Market Area 203, shall be reduced by the exact amount of the difference in freight rate over the freight rate from Subdistrict No. 4—Oak Hills: *Provided, however*, That in no case shall such reductions exceed \$1.25 per net ton for coals in Size Groups Nos. 1 through 9, and shall not exceed 50 cents per net ton for coals in Size Groups Nos. 10 through 13.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: September 2, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-8678; Filed, September 3, 1942;
11:29 a. m.]

[Docket No. B-9]

CLAUDE GALBRAITH AND SON COAL CO.

ORDER ADOPTING THE PROPOSED FINDINGS OF
FACT, PROPOSED CONCLUSIONS OF LAW OF
THE EXAMINER AND REVOKING CODE MEM-
BERSHIP

In the matter of Claude Galbraith & Son Coal Company, a partnership, Code Member.

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on August 29, 1941, by District Board 11. The complaint alleged that code member wilfully violated the Bituminous Coal Code, or the rules and regulations thereunder, and prayed that the Division either cancel or revoke its code membership, or, in its discretion, direct code member to cease and desist from violations of the Code and rules and regulations thereunder.

A hearing was held in this matter on December 18, 1941, before Joseph D. Dermody, a duly designated Examiner of the Division, at a hearing room thereof, at Terre Haute, Indiana. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, or otherwise be heard. District Board 11 and the code member appeared at the hearing.

The examiner made and entered his report, proposed findings of fact, proposed conclusions of law and recommendation in this matter, dated August 1, 1942, finding that code member wilfully violated section 4 II (e) of the Act, by selling during the period from October 1, 1940, to May 31, 1941, both dates inclusive, at prices which were below the effective minimum price established therefor, approximately 731.18 tons of 2" lump coal and approximately 2,019.99 tons of 2" screenings, produced at code member's Galbraith & Son Mine, Mine Index No. 217, located in Posey Township, Clay County, Indiana, and by executing an agreement for the sale of coal for a period longer than thirty days.

The examiner recommended that an order be entered cancelling and revoking the code membership of said Claude Galbraith & Son Coal Company, a partnership, and providing that prior to reinstatement into code membership there shall be paid by said Claude Galbraith & Son Coal Company to the United States a tax in the sum of \$1,690.87, in accordance with the provisions of section 5 (c) of the Act.

An opportunity was afforded to all parties to file exceptions and supporting briefs to said examiner's report and such exceptions or supporting briefs have not been filed.

The undersigned has considered the record in this matter and has determined that the proposed findings of fact and proposed conclusions of law of the examiner should be approved and adopted as his findings of fact and conclusions of law.

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the examiner be, and the same are hereby approved and

adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That effective fifteen (15) days from the date hereof, the code membership of Claude Galbraith & Son Coal Company, operating the Galbraith & Son Mine, Mine Index No. 217, be, and it hereby is, cancelled and revoked.

It is further ordered, That prior to the reinstatement of said Claude Galbraith & Son Coal Company into membership in the Code, it shall pay to the United States a tax, as provided in section 5 (c) of the Act, in the amount of \$1,690.87.

Dated: September 2, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-8660; Filed, September 3, 1942;
11:29 a. m.]

[Docket No. B-239]

THOS. SNEED COAL COMPANY

NOTICE OF FILING OF APPLICATION FOR DIS-
POSITION OF COMPLIANCE PROCEEDING
WITHOUT FORMAL HEARING.

In the matter of Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, individually and as co-partners, doing business under the name and style of Thos. Sneed Coal Company, code member.

Notice is hereby given that an application, dated August 11, 1942, for the disposition of this proceeding without formal hearing was filed with the Bituminous Coal Division (the "Division") on August 13, 1942, pursuant to § 301.132 of the Rules of Practice and Procedure Before the Bituminous Coal Division by Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, individually and as co-partners, doing business under the name and style of Thos. Sneed Coal Company, the above-named Code Member (the "Code Member").

In said application, the Code Member:

1. Admits that, during the period June 15, 1941 to and including October 27, 1941, it sold 106.22 tons of 1" screening (Size Group No. 14) to John B. Brown at a price of 35 cents per net ton f. o. b. the mine whereas the effective minimum code price for said coal was \$1.10 per net ton;

2. Admits that, during the period October 1, 1940, to December 31, 1940, both dates inclusive, it failed to maintain proper records and file with the Division reports of all coal sold and shipped by truck or wagon as required by order No. 296, dated September 23, 1940, and order No. 297, dated October 22, 1940;

3. Admits that it failed to comply with order No. 307 during the period January 1, 1941, to March 31, 1941, both dates inclusive, and order No. 312 during the period April 1, 1941, to October 27, 1941, both dates inclusive, in that it failed to maintain proper records of all coal sold to be shipped by truck or wagon within the time and in the manner prescribed by said orders;

4. States that to the best of its knowledge and belief it has not committed any other violations of the Act, the Code or regulations thereunder, either before or after the admitted violations referred to hereinabove;

5. Consents, upon the basis of the above-mentioned admitted violations, to the entry of an order directing it to cease and desist from further violations of the Act, the Code and regulations thereunder; and

6. Agrees that the Division may impose a tax upon the basis of the above admitted violations in the amount of forty-five dollars and fifty-seven cents (\$45.57) and that it will pay said tax to the United States Government within ten (10) days after the Code Member has been served with a copy of the order of the Division revoking its Code Membership.

All interested parties desiring to do so may, within fifteen (15) days from the date of this notice, file with the Division recommendations or requests for informal conferences in respect to such application.

Dated: September 2, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-8632; Filed, September 3, 1942;
11:30 a. m.]

Bureau of Reclamation.

CENTRAL VALLEY PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

AUGUST 13, 1942.

THE SECRETARY OF THE INTERIOR.

Sir: In accordance with the authority vested in you by the Act of June 23, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal as provided in section 3, Act of June 17, 1902 (32 Stat. 388).

CENTRAL VALLEY PROJECT, CALIFORNIA

Mount Diablo Meridian

Township 33 North, Range 4 West:
Section 8, S½NW¼, N½SW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: August 26, 1942.

FRED W. JOHNSON,
Commissioner of the General
Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

ABE FORTAS,
Under Secretary.

AUGUST 28, 1942.

[F. R. Doc. 42-8665; Filed, September 3, 1942;
10:05 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

PREVAILING MINIMUM WAGE IN RAINWEAR INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

Whereas, the prevailing minimum wage determination for Men's Raincoat Industry, issued by the Secretary of Labor on July 28, 1937, pursuant to the provisions of section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), as amended September 18, 1939, March 6, 1941, and August 12, 1942, provides that the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of that Act, for the manufacture or supply of men's raincoats, including vulcanized and rubberized raincoats and raincoats made from material known under the registered trade-mark of "Cravenette" or from fabric chemically or otherwise treated so as to render it water-resistant, of oiled waterproof cotton outer garments, and of all other types of rainwear, shall be 40 cents an hour or \$16 per week of 40 hours, arrived at either upon a time or piece work basis, and that there shall be a tolerance of not to exceed 10 percent of the workers in any one establishment for workers who are in fact learners, provided that such learners are paid not less than 25 cents per hour, or \$10 per week of 40 hours, and not less than the piece rates paid to other workers in the same establishment, and that handicapped workers may be employed at subminimum rates in accordance with the regulations of the Administrator of the Wage and Hour Division, issued under the Fair Labor Standards Act of 1938; and

Whereas, it is deemed advisable to change the description of the industry in the title of this determination from the "Men's Raincoat Industry" to the "Rainwear Industry," and to provide that learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division issued under the Fair Labor Standards Act.

Now, therefore, notice is hereby given to all interested parties of the opportunity to show cause on or before September 22, 1942 why the prevailing minimum wage determination for the Men's Raincoat Industry should not be amended in accordance with the preceding paragraph.

All objections, protests, or any statements in opposition to or in support of the proposed amendments should be addressed to the Administrator, Division of Public Contracts, Department of Labor, Washington, D. C., and should be filed with the Administrator not later than September 22, 1942.

Dated: September 2, 1942.

WM. R. McCOMB,
Assistant Administrator.

[F. R. Doc. 42-8683; Filed, September 3, 1942; 11:34 a. m.]

EMPLOYMENT OF FEMALE MINORS IN SPINNING AND WEAVING OF COTTON TEXTILES

NOTICE OF OPPORTUNITY TO SHOW CAUSE

In the matter of an exception from the provisions of section 1 of the Walsh-Healey Public Contracts Act to permit the employment of female minors under 18 years of age in the spinning and weaving of cotton textiles.

Whereas, the Secretary of War on August 24, 1942, found that the application, during the present war, of that portion of section 1 (d) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), otherwise known as the Walsh-Healey Public Contracts Act, which prohibits the employment of female persons of 16 and 17 years of age in the spinning and weaving of cotton textiles, is seriously impairing and will increasingly impair the conduct of Government business, and that justice and the public interest will be served through the removal of this prohibition.

Now, therefore, notice is hereby given to all interested parties of the opportunity to show cause on or before September 10, 1942, why the Secretary of Labor should not grant, pursuant to the terms of section 6 of the Walsh-Healey Public Contracts Act, an exception from the application of section 1 (d) of the Act to permit the employment of female persons under eighteen (18) but not under sixteen (16) years of age by contractors in the spinning and weaving of cotton textiles.

All objections, protests, or any statements in opposition to or in support of the proposed exception should be filed with the Assistant Administrator, Division of Public Contracts, Department of Labor, Washington, D. C., not later than September 12, 1942.

Dated this 2d day of September 1942.

WM. R. McCOMB,
Assistant Administrator.

[F. R. Doc. 42-8684; Filed, September 3, 1942; 11:34 a. m.]

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE

Notice of issuance of Special Certificates for the employment of learners.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single pants, shirts and allied garments, women's apparel, sportswear, rainwear, robes, and leather and sheep-

lined garments divisions of the apparel industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3820).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of amended order for the employment of learners in the cigar manufacturing industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the determination and order or regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective September 1, 1942. The certificates may be cancelled in the manner provided in the Regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Bodner Neckwear Co., 1023 Filbert St., Philadelphia, Pennsylvania; Manufacturing men's & boys' neckties; 5 learners (T); September 3, 1943.

Marx Clothing Co., 100 Mulberry St., Mt. Carmel, Illinois; Men's woolen suits; 5 percent (T); September 3, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Berne Mfg. Co., 260 West Main St., Berne, Indiana; Work clothes, boys' play and school togs; 10 percent (T); September 3, 1943.

Booneville Mfg. Co., Booneville, Mississippi; Work and army shirts; 20 learners (T); September 3, 1943.

Brown Garment Mfg. Co., Forrest City, Arkansas; Men's & boys' cotton pants; 30 learners (E); March 3, 1943.

Delaware Mfg. Co., Inc., 9th & Walnut Sts., Wilmington, Delaware; Infants' dresses and suits; 10 percent (T); September 3, 1943.

Edward Hyman Co., 1830 South Hill St., Los Angeles, California; Washable

uniforms, work clothes; 10 percent (T); September 3, 1943.

Hoosier Factories, Inc., Michigan St., Michigan City, Indiana; Trousers; 10 percent (T); September 3, 1943.

Kathleen-Louise Dress Mfg. Co., North 1801 Division St., Spokane, Washington; Cotton housedresses, spun rayon crepe housedresses, smocks, blouses; 7 learners (T); September 3, 1943.

J. H. Rudolph & Co., 812-818 East Locust St., DeKalb, Illinois; Skirts, slacks, army trousers; 30 learners (E); March 3, 1943.

Sperli-Simmons Uniform Co., 715 Stuart St., Houston, Texas; Nurses uniforms, doctors, surgeons and dentists coats; 4 learners (T); September 3, 1943.

Glove

Independent Glove Co., 2035 Charleston St., Chicago, Illinois; Work gloves; 3 learners (T); September 3, 1943.

J. Wiesselman & Co., Inc., 599 Broadway, New York, New York; Knit fabric, work, and knit wool gloves; 5 percent (T); September 3, 1943.

Hosiery

Cooper Wells & Co., 2nd Ave. & 2nd St., Decatur, Alabama; Full-fashioned hosiery; 5 percent (T); September 3, 1943.

Hillsboro Hosiery Mills, Inc., Hillsboro, New Hampshire; Seamless hosiery; 5 percent (T); September 3, 1943.

Wytheville Knitting Mills, Inc., Wytheville, Virginia; Full-fashioned hosiery; 5 percent (T); September 3, 1943.

Cigar

L. Bollaci, 55 Washington Ave., Carteret, New Jersey; Cigars; 5 learners (T); Cigar machine operators and cigar packers to have learning period of 320 hours and stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; March 2, 1943.

Jose Escalante & Co., 1018 Poeyfarre St., New Orleans, Louisiana; 16 learners (T); Cigar machine operators to have learning period of 320 hours at 75 percent of the applicable minimum wage; March 2, 1943.

Signed at New York, N. Y., this 1st day of September 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-8651; Filed, September 2, 1942; 4:58 p. m.]

[Administrative Order 156]

PRINTING AND PUBLISHING AND ALLIED GRAPHIC ARTS INDUSTRY

APPOINTMENT OF INDUSTRY COMMITTEE NO. 49

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, William B. Grogan, Acting Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and No. 175—5

convene for the Printing and Publishing and Allied Graphic Arts Industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the public: Alexander Melville John, Chairman, Berkeley, California; Harold E. Fey, Chicago, Illinois; Aurelius Morgner, Minneapolis, Minnesota; Carroll R. Daugherty, New York, New York; Tipton R. Snively, Charlottesville, Virginia; C. R. F. Smith, Baton Rouge, Louisiana; T. A. Distler, Lancaster, Pennsylvania; Reverend John F. Cronin, Baltimore, Maryland; Fred S. Siebert, Chicago, Illinois.

For the employees: Robert Bruck, Chicago, Illinois; C. V. Ernest, Baltimore, Maryland; John B. Haggerty, Washington, D. C.; Edward J. Volz, New York, New York; Leo J. Buckley, New York, New York; Conrad Woelfel, New York, New York; W. A. Copeland, Memphis, Tennessee; Aaron Schneider, New York, New York; George E. Mitchell, San Francisco, California.

For the employers: George E. Loder, New York, New York; Joseph Siegel, New York, New York; George N. Dale, Chicago, Illinois; Julian Wolfner, Detroit, Michigan; Arthur Knol, Chicago, Illinois; Bernard E. Esters, Houlton, Maine; C. T. Dean, Dallas, Texas; T. J. Buttkofer, New York, New York; William Simpson, Louisville, Kentucky.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "printing and publishing and allied graphic arts industry" means:

The impressing, stamping, or transferring on paper or other materials, of any mark, character, or delineation, through the use of ink, color, or graphic art processes, as well as any preparatory or finishing operations related thereto.

a. It includes, but without limitation, the printing and publishing of newspapers, books, periodicals, maps, music, and all other products or services of typesetters and advertising typographers, electrotypers and stereotypers, photo-engravers, steel and copper plate engravers, commercial printers, lithographers, gravure printers, letter shops, decalcomania manufacturers, private printing plants of concerns engaged primarily in other business, book and pamphlet binders, trade blinderes, and news syndicates.

b. The printing of printed forms, blank books, stationery, tablets, calendars, announcement cards, greeting cards, and the like is included within this definition only when performed in "job printing establishments" (as this term is used in the wage order for the Converted Paper Products Industry).

Provided, however, That this definition shall not include the manufacture of products which are covered by a wage order heretofore issued by the Administrator of the Wage and Hour Division, business service establishments not engaged in printing or publishing operations, nor the production of motion pictures, blueprints or photographs, except photographs made in establishments engaged in the production of the articles or services covered by this definition.

3. The definition of the printing and publishing and allied graphic arts industry covers all occupations in the industry

which are necessary to the production of the products or services specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet at 10:00 A. M. on September 23, 1942 in the College Room of the Hotel Astor, New York City, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at New York, New York this 2d day of September 1942.

WILLIAM B. GROGAN,
Acting Administrator.

[F. R. Doc. 42-8632; Filed, September 3, 1942; 9:25 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. DL-163]

GEORGIA POWER COMPANY

ORDER CHANGING DATE OF HEARING

SEPTEMBER 2, 1942.

It appearing that the Commission on July 7, 1942, upon its own motion, directed that the above-entitled proceeding come on for hearing on September 14, 1942, at 9:45 a. m. (E. W. T.) in the Federal Building, Atlanta, Georgia;

The Commission, upon its own motion and for good cause shown, orders, That: the hearing in this proceeding be held beginning on September 21, 1942, at 9:45 a. m. (E. W. T.) in the Federal Building, Atlanta, Georgia.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-8633; Filed, September 3, 1942; 10:00 a. m.]

[Docket No. G-412]

UNITED FUEL GAS COMPANY

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

SEPTEMBER 1, 1942.

It appearing to the Commission that: (a) United Fuel Gas Company has on

file a rate schedule and supplements thereto designated in the files of the Commission as United Fuel Gas Company Rate Schedule FPC No. 3 and Supplements Nos. 1 and 2 and Supplement No. 2 to Supplement No. 2 to said rate schedule, providing for the sale of natural gas to Louisville Gas & Electric Company for resale for ultimate public consumption for domestic, commercial, industrial or other use;

(b) On July 15, 1942, United Fuel Gas Company submitted to the Commission for filing, a rate schedule dated June 30, 1942, designated as United Fuel Gas Company Rate Schedule FPC No. 22, providing for increased rates or charges for such sales of natural gas to Louisville Gas & Electric Company, and requested that the increased rates be allowed to take effect as of July 1, 1942;

(c) Since this rate schedule FPC No. 22, dated June 30, 1942, was not accompanied by the information required by the Provisional Rules of Practice and Regulations under the Natural Gas Act to be filed with proposed increased rates, United Fuel Gas Company was advised of this omission by letter of July 21, 1942; on August 3, 1942, United's response was received stating that compliance with the rules would require an amount of work out of all proportion with the business involved; without waiving compliance with the Provisional Rules of Practice and Regulations, this rate schedule was accepted for filing on August 3, 1942;

(d) Unless suspended by order of the Commission, United Fuel Gas Company Rate Schedule FPC No. 22 will become effective as of September 2, 1942, pursuant to the provisions of the Natural Gas Act and the Provisional Rules of Practice and Regulations thereunder;

(e) In purported justification of the proposed increased rates or charges, United Fuel Gas Company did not submit the detailed information required by the Provisional Rules of Practice and Regulations but in lieu thereof stated that the new rate schedule was an arm's-length transaction between adverse parties; that it would equalize the rate to Louisville Gas & Electric Company with a rate charged another customer receiving natural gas at the same point of delivery; that, because the new rate schedule would result in a reduction in the volume of sales, United's load factor would be lower than under the present rate schedule, and that the purchaser may call upon United for unlimited amounts of additional gas;

(f) The schedule of increased rates or charges contained in United Fuel Gas Company Rate Schedule FPC No. 22 may result in excessive rates or charges to Louisville Gas & Electric Company or place an undue burden upon ultimate consumers of natural gas; and the proposed increased rates or charges have not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended

pending such hearing and the decision thereon;

The Commission, upon its own motion, orders, That: (a) A public hearing be held on November 9, 1942, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the lawfulness of the rates or charges, subject to the jurisdiction of the Commission, contained in United Fuel Gas Company Rate Schedule FPC No. 22 for the sale of natural gas to Louisville Gas & Electric Company for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(b) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in United Fuel Gas Company Rate Schedule FPC No. 22, except insofar as it may provide for the sale of natural gas for resale for industrial use only, be and it hereby is suspended until February 2, 1943, or until such time thereafter as said schedule shall be made effective in the manner prescribed by the Natural Gas Act;

(c) During the period of suspension, the rates or charges collected and received by United Fuel Gas Company from Louisville Gas & Electric Company, as provided in United Fuel Gas Company Rate Schedule FPC No. 3, and Supplements Nos. 1 and 2 and Supplement No. 2 to Supplement No. 2 to that rate schedule, except insofar as they may be for the sale of natural gas for resale for industrial use only, shall remain and continue in full force and effect;

(d) At the hearing, the burden of proof to show that the proposed increased rates or charges are just and reasonable shall be upon the United Fuel Gas Company;

(e) Interested State commissions may participate in said hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-8664; Filed, September 3, 1942;
10:00 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-39]

CANNED FRUIT COCKTAIL

NOTICE OF HEARING

In the matter of an amended definition and standard of identity for canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail.

Notice is hereby given that the Administrator of the Federal Security Agency, pursuant to the application of Canners' League of California, on behalf of its members constituting a substantial portion of the industry, stating reasonable grounds therefor, and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act, secs. 401 and

701, 21 U.S.C. secs. 341 and 371 (Supp. V, 1939), will hold a public hearing commencing at 10 o'clock in the morning of October 5, 1942, in Room 3106, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., for the purpose of receiving evidence upon the basis of which regulations may be promulgated amending the definition and standard of identity for canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail.¹ Proposals, which are for the purpose of giving notice of the subject matter to be considered and giving direction to the hearing, are set forth below. Interested persons are notified that the hearing is a fact-finding proceeding, after which it will be determined in accordance with the Act whether an amended definition and standard of identity for canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail should be established and what the provisions of any such amended definition and standard of identity should be. It is not to be inferred from the fact that proposals are made that they represent the views of the Federal Security Agency or that evidence will be adduced by the Agency to support each such proposal.

The suggested amendments are subject to adoption, rejection, amendment, or modification, in whole or in part, as the evidence of record at the hearing may require. All interested persons are invited to attend the hearing either in person or by representative and to offer evidence relevant and material to the subject matter of this notice.

Michael F. Markel is hereby designated as Presiding Officer to conduct the hearing in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing.

The hearing will be conducted in accordance with the rules of practice provided for such hearings as published in 21 Code of Federal Regulations, §§ 2.701-2.715 (Supp. 1939).

In lieu of personal appearance, interested persons may proffer affidavits by delivering them to the Presiding Officer at Room 2242 South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., not later than 10 o'clock in the morning of the day of the opening of the hearing. Such affidavits must be submitted in quintuplicate and, if relevant and material, may be received and made a part of the record at the hearing, but the Administrator will consider the lack of opportunity for cross-examination in determining the weight to be given to statements in the affidavits. Every interested person will be permitted to examine the affidavits proffered and to file with the Presiding Officer during the hearing affidavits counter to relevant and material statements of fact and opinion in such original affidavits.

Suggested amendments. The suggested amendments of the petitioners for the hearing are, in substance, that the

¹ 7 FR. 5542.

regulation establishing a definition and standard of identity for canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail, § 27.040, be amended so as to provide for the addition of light sirup and light fruit juice sirup as optional ingredients thereof by amending such section in the following particulars:

(1) To amend the list of optional packing media contained in subsection (c) by adding thereto the two optional packing media light sirup and light fruit juice sirup and by so re-enumerating other optional packing media in the list as to make the list read as follows:

- (1) Water;
- (2) Fruit juice;
- (3) Light sirup;
- (4) Heavy sirup;
- (5) Extra heavy sirup;
- (6) Light fruit juice sirup;
- (7) Heavy fruit juice sirup; and
- (8) Extra heavy fruit juice sirup.

(2) To revise that portion of subsection (c) following the aforesaid list of optional packing media so as to provide that the density of light sirup and light fruit juice sirup shall be 14° or more but less than 18°, as measured on the Brix hydrometer fifteen days or more after the fruit cocktail is canned, and to conform the designations of optional packing media therein to the numbers thereof in the preceding list as proposed to be revised in (1) above, so as to make such portion read as follows:

Each of packing media (3), (4), and (5) is prepared with water as its liquid ingredient, and each of packing media (6), (7), and (8) is prepared with fruit juice as its liquid ingredient. Except as provided in paragraph (d) (6), each of packing media (3) to (8), inclusive, is prepared with any one of the following saccharine ingredients: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which the weight of the solids of the dextrose used multiplied by 2, added to the weight of the solids of the corn sirup used multiplied by 3, is not more than the weight of the solids of the sugar used. The respective densities of packing media (3) to (8), inclusive, as measured on the Brix hydrometer fifteen days or more after the fruit cocktail is canned, are within the range prescribed for each in the following list:

Number of packing medium:	Brix measurement
(3) and (6) --	14° or more but less than 18°.
(4) and (7) --	18° or more but less than 22°.
(5) and (8) --	22° or more but not more than 35°.

(3) To amend paragraph (d) (6) so as to make said paragraph read as follows:

(6) When the optional packing medium is prepared with fruit juice and

invert sugar sirup or corn sirup other than dried corn sirup, it shall be considered to be light sirup, heavy sirup, or extra heavy sirup, as the case may be, and not light fruit juice sirup, heavy fruit juice sirup, or extra heavy fruit juice sirup.

(4) To amend paragraph (d) (7) so as to make said paragraph read as follows:

(7) The term "light sirup", "heavy sirup", or "extra heavy sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of a light sirup, heavy sirup, or extra heavy sirup.

(5) To amend paragraph (d) (8) so as to make said paragraph read as follows:

(8) Except as provided in subparagraph (6) of this paragraph, the term "light fruit juice sirup", "heavy fruit juice sirup", or "extra heavy fruit juice sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of light fruit juice sirup, heavy fruit juice sirup, or extra heavy fruit juice sirup.

(6) To amend paragraph (e) (1) by striking the figure (6) and substituting therefor the figure (8).

[SEAL] WATSON B. MILLER,
Acting Administrator.

SEPTEMBER 2, 1942.

[F. R. Doc. 42-8715; Filed, September 3, 1942; 11:50 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 1 Under Maximum Price Regulation 202¹—Brass and Bronze Alloy Ingot—Docket 3202-1]

SUMET CORPORATION

ORDER GRANTING PERMISSION FOR ADJUSTABLE PRICING

On August 25, 1942, Sumet Corporation, 1545 Fillmore Avenue, Buffalo, New York, hereinafter called the Petitioner, filed a petition for amendment of the provisions of Maximum Price Regulation No. 202—Brass and Bronze Alloy Ingot. For the reasons set forth in the opinion which has been issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1309.153 of Maximum Price Regulation No. 202, it is ordered:

(a) The petitioner may sell, offer to sell, deliver or transfer brass or bronze alloy ingot identified by it as Sumet SM-8 and Sumet SM-12 at the maximum

¹ 7 F.R. 6421.

price of 23.00¢ per pound f. o. b. Buffalo, New York subject to an agreement with the purchasers of such ingot to adjust prices upon deliveries made during the pendency of its petition in accordance with the disposition thereof.

(b) This Order No. 1 may be revoked or amended by the Price Administrator at any time and, in any event, is to be effective only to the date upon which said petition is finally disposed of by the Price Administrator.

(c) This Order No. 1 shall become effective as of August 25, 1942.

Issued this 3d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8718; Filed, September 3, 1942; 11:53 a. m.]

[Order 37 Under Maximum Price Regulation 120¹—Bituminous Coal Delivered From Mine or Preparation Plant Docket 3120-241]

C. H. MEAD COAL COMPANY

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1², it is ordered:

(a) The C. H. Mead Coal Company, Beckley, West Virginia, may sell and deliver, and any person may buy and receive the bituminous coal described in paragraph (b) below for shipment by rail and the bituminous coal described in paragraph (c) below for shipment by lake, at prices not in excess of the respective prices stated therein;

(b) Coals in Size Groups 1, 3, 4 and 9, produced by the C. H. Mead Coal Company at its Mine (Mine Index No. 117), located in Subdistrict 5 of District 7, may be sold at prices not to exceed \$3.10, \$3.25, \$2.90, and \$2.65 per net ton, respectively, for shipment by rail;

(c) Coals in Size Group 9, produced by the C. H. Mead Coal Company at its mine (Mine Index No. 117), located in Subdistrict 5 of District 7, may be sold at a price not to exceed \$2.65 per net ton for shipment by lake;

(d) This Order No. 37 may be revoked or amended by the Administrator at any time;

(e) All prayers of the petition not granted herein are denied;

(f) Unless the context otherwise requires, the definitions set forth in § 1340.203 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(g) This Order No. 37 shall become effective September 4, 1942.

Issued this 3d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8733; Filed, September 3, 1942; 11:57 a. m.]

¹ 7 F.R. 3163, 3447, 3901, 4335, 3432, 4404, 4540, 4541, 4700, 5059, 5560, 5507, 5827, 5335, 6103, 6218.

² 7 F.R. 971, 3563.

[Order 16 Under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts—Docket 3148-70]

JOEL E. HARRELL AND SON

ORDER GRANTING PETITION FOR ADJUSTMENT

On July 10, 1942, Joel E. Harrell and Son, Suffolk, Virginia, duly filed a petition and protest which was docketed as a protest and at Petitioner's request was subsequently stricken as a protest and redocketed as a petition for adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition, and an opinion in support of this Order No. 16 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,² issued by the Office of Price Administration, it is hereby ordered:

(a) Joel E. Harrell and Son, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from Joel E. Harrell and Son.

(b)

Cents per pound

Smoked cottage butts.....	41½
Dry salt cured fat backs.....	13½
Pork loins, double short cut.....	34
Regular pork loins.....	30
Picnics.....	25
Green regular hams.....	29
Spare ribs.....	21
Boston butts.....	29

(c) The permission granted to Joel E. Harrell and Son, in this Order No. 16 is subject to the following condition: that the several prices specified in paragraph (b) shall apply only during the period April 1 to November 30, inclusive, of any year during which Maximum Price Regulation No. 148 is in effect and that during the period December 1 to March 31, inclusive, the maximum price at which Joel E. Harrell and Son may sell or deliver or agree, offer, solicit or attempt to sell or deliver and at which any person may buy or receive or agree, offer, solicit or attempt to buy or receive from Joel E. Harrell and Son, each pork cut specified shall be the seller's maximum price for such cut as determined under the provisions of § 1364.22 of Maximum Price Regulation No. 148.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 16 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in

§ 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

(g) This Order No. 16 shall become effective September 4, 1942.

Issued this 3d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8722; Filed, September 3, 1942;
11:54 a. m.]

[Order 14 Under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts—Docket 3148-71]

P. D. GWALTNEY, JR., AND COMPANY,
INCORPORATED

ORDER GRANTING PETITION FOR ADJUSTMENT

On July 10, 1942, P. D. Gwaltney, Jr., and Company, Incorporated, Smithfield, Virginia, filed a petition and protest which was docketed as a protest and at Petitioner's request was subsequently stricken as a protest and redocketed as a petition for adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition, and an opinion in support of this Order No. 14 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,² issued by the Office of Price Administration, it is hereby ordered:

(a) P. D. Gwaltney, Jr., and Company, Incorporated, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from P. D. Gwaltney, Jr., and Company, Incorporated.

(b)

Cents per pound

Regular pork trimmings.....	23
Smoked cottage butts.....	41½
Dry salt cured bellies.....	21
Dry salt cured fat backs.....	13½
Pork loins, double short cut.....	34
Regular pork loins.....	30
Spare ribs.....	21
Skinned pork shoulders.....	27
Boston butts.....	29

(c) The permission granted to the P. D. Gwaltney, Jr., and Company, Incorporated, in this Order No. 14 is subject to the following condition: that the several prices specified in paragraph (b) shall apply only during the period April 1 to November 30, inclusive, of any year during which Maximum Price Regulation No. 14 is in effect and that during the period December 1 to March 31, inclusive, the maximum price at which P. D. Gwaltney, Jr., and Company, Incorporated, may sell or deliver or agree, offer, solicit or attempt to sell or deliver and at which any person may buy or receive or agree, offer,

solicit or attempt to buy or receive from P. D. Gwaltney, Jr., and Company, Incorporated, each pork cut specified shall be the seller's maximum price for such cut as determined under the provisions of § 1364.22 of Maximum Price Regulation No. 148.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 14 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

(g) This Order No. 14 shall become effective September 4, 1942.

Issued this 3d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8723; Filed, September 3, 1942;
11:56 a. m.]

[Order 15 Under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts—Docket 3148-72]

SMITHFIELD PACKING COMPANY, INCORPORATED

ORDER GRANTING PETITION FOR ADJUSTMENT

On July 10, 1942, Smithfield Packing Company, Incorporated, Smithfield, Virginia, duly filed a petition and protest which was docketed as a protest and at Petitioner's request was subsequently stricken as a protest and redocketed as a petition for adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition, and an opinion in support of this Order No. 15 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,² issued by the Office of Price Administration, it is hereby ordered:

(a) Smithfield Packing Company, Incorporated, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from Smithfield Packing Company, Incorporated.

(b)

Cents per pound

Regular pork trimmings.....	23
Smoked cottage butts.....	41½
Dry salt cured bellies.....	21
Dry salt cured fat backs.....	13½
Pork loins, double short cut.....	34
Regular pork loins.....	30
Picnics.....	25
Green skinned hams.....	28½
Green regular hams.....	29
Spare ribs.....	21
Skinned pork shoulders.....	27
Boston butts.....	29

¹ 7 F.R. 3821, 4342.

² 7 F.R. 971, 3663.

(c) The permission granted to the Smithfield Packing Company, Incorporated, in this Order No. 15 is subject to the following condition; that the several prices specified in paragraph (b) shall apply only during the period April 1 to November 30, inclusive, of any year during which Maximum Price Regulation No. 148 is in effect and that during the period December 1 to March 31, inclusive, the maximum price at which the Smithfield Packing Company, Incorporated, may sell or deliver or agree, offer, solicit or attempt to sell or deliver and at which any person may buy or receive or agree, offer, solicit or attempt to buy or receive from Smithfield Packing Company, Incorporated, each pork cut specified shall be the seller's maximum price for such cut as determined under the provisions of § 1364.22 of Maximum Price Regulation No. 148.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 15 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

(g) This Order No. 15 shall become effective September 4, 1942.

Issued this 3d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8724; Filed, September 3, 1942;
11:56 a. m.]

[Order 1 Under Maximum Price Regulation 188—Manufacturers' Maximum Price for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket GF3-137]

FINNAREN & HALEY, INC.

DENIAL OF PETITION FOR ADJUSTMENT

For the reasons set forth in an opinion accompanying this order, a copy of which has been filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is ordered that the Petition for Adjustment of Finnaren & Haley, Inc., 60th & Thompson Streets, Philadelphia, Pennsylvania, be, and it hereby is, denied.

(a) This Order No. 1 shall be effective this 4th day of September 1942.

Issued this 3d day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8725; Filed, September 3, 1942;
11:57 a. m.]

[Order 38 Under Maximum Price Regulation 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket 3120-75]

LAMAR COLLIERY COMPANY ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, and Procedural Regulation No. 1,² it is ordered:

(a) The Lamar Colliery Company, Lamar, West Virginia, may sell and deliver, and any person may buy and receive the bituminous coal described in paragraph (b) at prices not in excess of the respective prices stated therein for shipment by rail and for shipment by lake.

(b) Coals produced by the Lamar Colliery Company at its Lamar Mine (Mine Index No. 97), in District No. 7, may be sold for shipment by rail, and for shipment by lake, at prices not to exceed \$3.35 per net ton in Size Groups 1 and 2, \$3.50 in Size Group 3, \$3.00 in Size Groups 4, 5 and 7, \$2.75 in Size Group 8, \$2.70 in Size Group 9, and \$2.65 in Size Group 10, i. o. b. the mine.

(c) This Order No. 38 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) This Order No. 38 shall become effective September 4, 1942.

Issued this 3d day of September, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8726; Filed, September 3, 1942;
11:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-54, 70-559, 59-50]

NORTHERN STATES POWER CO., ET AL.

ORDER TRANSFERRING HEARINGS TO ST. PAUL, MINNESOTA AND SETTING DATE THEREOF

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 31st day of August, A. D., 1942.

In the matter of Northern States Power Company (Delaware), File No. 54-54;

¹ 7 F.R. 3168, 3447, 3801, 4338, 3432, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 6827, 6335, 6169, 6218.

² 7 F.R. 971, 3663.

Northern States Power Company (Minnesota), File No. 70-559; Northern States Power Company (Delaware), and each of its subsidiaries, File No. 59-50; (Public Utility Holding Company Act of 1935).

Hearings having been held in the styled and numbered proceeding relating to Northern States Power Company (Delaware) and the subsidiaries thereof under sections 6, 7, 11 (b) (2), 11 (e), 12, 15 (f) and 20 (a) on July 8th to 10th, inclusive, and on July 13th and 14th, and on August 17th to 20th, inclusive, and on August 24th to August 26th, inclusive, 1942, at the offices of this Commission in Philadelphia, Pennsylvania; and

The Commission deeming it advisable that a hearing be held in the City of St. Paul, Minnesota near where the main offices of Northern States Power Company (Minnesota) are located and in or near which many of the stockholders of Northern States Power Company (Delaware) reside in order that such stockholders and other interested persons may be afforded an opportunity to examine witnesses and be heard on the proposed plan and all matters relevant to these proceedings;

It is hereby ordered, That the hearings on (a) the proposed plan for the liquidation and dissolution of Northern States Power Company (Delaware) filed pursuant to section 11 (e), (b) the applications and declarations (or both) filed by the Northern States Power Company (Minnesota) pursuant to sections 6, 7, and 12 and the applicable rules promulgated thereunder with respect to the proposed transactions which are necessary and incidental to the carrying out of said plan, and (c) the proceedings pursuant to sections 11 (b) (2), 15 (f) and 20 (a) heretofore instituted against the Northern States Power Company (Delaware) and each of its subsidiaries, be transferred to the city of St. Paul, Minnesota for the purpose designated in the preceding paragraph hereof, and that a hearing be held on such matters on the 14th day of September, 1942 at 10:00 A. M., at Room 317 of the uptown United States Post Office Building (sometimes referred to as the Federal Building) in the city of St. Paul, Minnesota.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at said hearing. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's rules of practice; and

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order, by registered mail, to

each of the respondents herein and to the Standard Gas and Electric Company; and that notice of said hearing is hereby given to all security holders of Northern States Power Company (Delaware), to all states, municipalities, or political subdivisions of states or foreign countries in which are located any of the utility assets of the holding-company system of the Northern States Power Company (Delaware) or under the laws of which any of said subsidiary companies are incorporated, to all state commissions, state securities commissions and all agencies, authorities or instrumentalities of one or more states, municipalities, or other political subdivisions having jurisdiction over Northern States Power Company (Delaware) or any subsidiaries thereof or over any of the business affairs of any of them, and to all other persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 8646; Filed, September 2, 1942;
2:33 p. m.]

[File No. 70-587]

POTOMAC ELECTRIC POWER COMPANY
ORDER GRANTING APPLICATION, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 1st day of September, A. D. 1942.

The Commission having heretofore, on August 26, 1942, made findings and entered an order herein granting an exemption from the provisions of section 6 (a) of the Public Utility Holding Company Act of 1935 pursuant to section 6 (b) of said Act for the issuance and sale of \$5,000,000 principal amount of First Mortgage Bonds, 3½% series due 1977, due August 1, 1977 by Potomac Electric Power Company, except that no findings were made in regard to the price to said company, spread and distribution thereof, and the Commission having reserved jurisdiction in said order in regard thereto; and

An amendment to said application having been filed as provided in Rule U-50 (c), specifying the proposals which had been received for the purchase of said bonds pursuant to the invitation of competitive bids therefor, and stating that Potomac Electric Power Company had received nine proposals and had accepted a bid from a group of under-

writers headed by Kuhn, Loeb & Co. of 112.2679% of the principal amount thereof, plus accrued interest thereon from August 1, 1942 to the date of delivery of and payment for the bonds which are to be resold to the public at 113% of the principal amount thereof plus accrued interest from August 1, 1942 to the date of delivery, representing a spread to the underwriters of 0.7321%; and

The Commission having examined the record and finding no basis for imposing terms and conditions with respect to the price, spread and distribution thereof, at which such bonds are to be issued and sold;

It is ordered, That said application, as amended, be and it is hereby granted forthwith in regard to the price to the issuer, the spread and the distribution thereof applicable to such bonds subject, however, to the terms and conditions prescribed in Rule U-24 and to the terms and conditions contained in our order of August 26, 1942 except that relating to compliance with Rule U-50 (c).

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 42-8647; Filed, September 2, 1942;
2:33 p. m.]